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Tuesday, 29 September 1998, 10.30 a.m.
New York

President:	Mr. Dahlgren	(Sweden)
Members:	Bahrain	Mr. Al-Dosari
	Brazil	Mr. Amorim
	China	Mr. Shen Guofang
	Costa Rica	Mr. Niehaus
	France	Mr. Dejammet
	Gabon	Mr. Dangue Rewaka
	Gambia	Mr. Jagne
	Japan	Mr. Owada
	Kenya	Mrs. Odera
	Portugal	Mr. Monteiro
	Russian Federation	Mr. Lavrov
	Slovenia	Mr. Türk
	United Kingdom of Great Britain and Northern Ireland	Sir Jeremy Greenstock
	United States of America	Mr. Burleigh

Agenda

Protection for humanitarian assistance to refugees and others in conflict situations

Report of the Secretary-General (S/1998/883)

98-85918 (E)

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The meeting was called to order at 10.50 a.m.

Adoption of the agenda

The agenda was adopted.

Protection for humanitarian assistance to refugees and others in conflict situations

Report of the Secretary-General (S/1998/883)

The President: I should like to inform the Council that I have received letters from the representatives of Argentina, Austria, Azerbaijan, Canada, Indonesia, Norway, Pakistan and the Republic of Korea, in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Petrella (Argentina), Mr. Sucharipa (Austria), Mr. Kouliev (Azerbaijan), Mr. Fowler (Canada), Mr. Pohan (Indonesia), Mr. Kolby (Norway), Mr. Kamal (Pakistan) and Mr. Lee See-young (Republic of Korea) took the seats reserved for them at the side of the Council Chamber.

The President: In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Stephen Lewis, Deputy Executive Director of the United Nations Children's Fund, and to Mr. Kofi Asomani, Director of the Liaison Office of the United Nations High Commissioner for Refugees at United Nations Headquarters.

There being no objection, it is so decided.

In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council also agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mrs. Sylvie Junod, Head of the delegation of the International Committee of the Red Cross to the United Nations.

There being no objection, it is so decided.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them the report of the Secretary-General on protection for humanitarian assistance to refugees and others in conflict situations, document S/1998/883.

It is my pleasure to give the floor to the Deputy Secretary-General, Ms. Louise Fréchette.

The Deputy Secretary-General: I am pleased to present to the Security Council the Secretary-General's report on the protection of humanitarian assistance to refugees and others in conflict situations. This report, which the Council requested, sets out the challenges and obstacles which confront humanitarian agencies operating in violent and dangerous environments. Operating on the front lines of numerous conflicts, humanitarian agencies are all too aware that their ability to be effective — to stanch suffering — is extremely limited when defenceless civilians are deliberately targeted and access to humanitarian assistance is denied.

What is happening to civilians in today's war zones is an abomination. Never before have we seen such widespread and deliberate attacks against people who are massacred in their homes, have their villages flattened, have their schools and crops destroyed, and are essentially treated as the enemy. Terrorized and traumatized by armed violence, millions are obliged to flee and abandon their farms to become refugees or internally displaced. An unknown number are trapped in war zones, unable to escape or to be reached by those who could offer assistance. Notwithstanding the positive achievements in the ratification of the landmines treaty, these weapons are still being used, with tragic consequences for civilians. They are also a direct impediment to the provision of humanitarian assistance.

This phenomenon of directly targeting civilians, and the use of "scorched-earth" tactics, is not new, but the scale of such atrocities, and the horrendous cost in human suffering, has reached an unprecedented level. In recent days, the Council had before it the situation in Afghanistan, in Kosovo and in the Democratic Republic of the Congo, to name just a few of the conflicts where

the pitiless slaughter of civilians and the destruction of their means of survival is commonplace.

When the killing, maiming, and displacement of civilians is not an incidental element of a political or military strategy but constitutes its major objective, the limitations of humanitarian action become all too apparent.

Humanitarian action is not designed or equipped to stop the slaughter and deliberate displacement of civilians. As noted by various speakers at the open debate of the Security Council last year on this issue, there is a dramatic need to rethink what is meant by "humanitarian action" in today's war zones and to reformulate our understanding of what is required to protect and safeguard the well-being of civilians.

No one will dispute that warfare reflects a breakdown of political structures. It is the responsibility of the Security Council to be bold, committed and determined when confronted by such crises. Unquestionably, securing a durable peace is the most important role of the Council and represents the best support it can provide to humanitarian agencies struggling with the humanitarian consequences of warfare. There is no substitute for ending conflict, putting an end to abusive practices and generating the conditions essential for lasting peace.

It is against this background — the essential role of the Security Council in addressing the immediate and underlying causes of conflict — that the report before the Council has been prepared. The Office of the United Nations High Commissioner for Refugees has been instrumental in the preparation of this report, which also benefited from consultations with the Office for the Coordination of Humanitarian Affairs, other United Nations humanitarian agencies, the Department of Political Affairs, the Department of Peacekeeping Operations, the Office of Legal Affairs and the United Nations Security Coordinator.

This report draws on the experience of humanitarian agencies operating in conflict situations. They more than anyone else are aware that one of the most compelling and problematic challenges confronting humanitarian actors is the difficulty of operating in hostile environments where civilians are directly targeted and the work of relief agencies is deliberately obstructed. The changed nature of warfare means that every day humanitarian personnel must deal with the consequences of massive violations of basic humanitarian norms, as armed groups avoid direct confrontation and attack unarmed civilians.

Disrespect for basic humanitarian norms implies added risk for relief workers. As the number of civilian casualties rises, so too does the number of workers who have been killed, wounded, kidnapped or assaulted while trying to carry out their humanitarian task. Lawlessness and contempt for humanitarian norms imperil humanitarian personnel and their ability to help people in need, and further endanger the women and children who constitute the bulk of the population dependent on assistance for survival.

As members are no doubt aware, this year has seen more United Nations civilians and United Nations military personnel killed in the line of duty. The report before the Council explains why the changed nature of warfare is so alarming and what should be done to protect the millions who are internally displaced or trapped in war zones. It also sets out specific measures to enhance the protection of refugees.

Holding perpetrators of crimes against humanity accountable will not end war, but it will definitely help in ending some of the most egregious abuses. The establishment of the International Criminal Court is central to ending a culture of impunity. Every effort should be made to accelerate the establishment of the International Criminal Court.

As recommended by the Secretary-General in his report on Africa, combatants should be held financially liable when civilians are made the deliberate target of aggression. To this end, a trust fund to support reparations to victims should be established.

The Secretary-General is pleased that the Council is giving serious attention to this issue. Humanitarian agencies are equally appreciative of the interest shown by the Security Council in the enormous hurdle they face in contemporary war zones. They look to the Council for concrete action, particularly in situations where civilians are deliberately targeted.

The need to address the fact that conflicts with horrendous humanitarian consequences are increasing in number, duration and severity is now pressing. The Secretary-General has put forward a number of recommendations for the Council's consideration and stands ready to assist with any action which will give peace a chance and reduce the bulging statistics of human misery.

The President: I thank the Deputy Secretary-General for her statement.

Mr. Burleigh (United States of America): We would like to thank the Secretary-General for his report on protection for humanitarian assistance to refugees and others in conflict situations. The report provides an excellent summary of some of the most critical problems faced by the multilateral community today. We would also like to thank the Deputy Secretary-General for her introductory remarks this morning.

The culture of impunity, which permits attacks on both defenceless refugees and the humanitarian personnel who provide relief, must end. The United States believes the Council could be most effective in dealing with the protection of refugees and the safety of humanitarian personnel separately.

The United States is working with other Security Council members in a working group which is considering ways to maintain the security and neutrality of refugee camps, one of the Council's six working groups on Africa. Although the focus of this Group is on refugee camp security in Africa, the recommendations that will eventually come from this group will doubtless be applicable elsewhere.

While the working group's discussion will include protection of humanitarian workers, security of humanitarian personnel is not its focus. The United States believes it an excellent proposal for members to begin separate consideration of practical measures for improving the security of humanitarian workers.

The nature of the threat to humanitarian personnel has changed. Humanitarian workers are not only being killed in the crossfire — they are now often specifically targeted for both political and economic gain, as the Deputy Secretary-General has noted. The nature of conflicts has also changed — they are often internal and chaotic, with host Governments no longer capable of assuring the security of humanitarian workers.

For the international community to deal effectively with situations of great humanitarian need, including situations that may pose a threat to international peace and security, we must improve the security of humanitarian personnel. We therefore believe that Members should begin, as a matter of priority, the development of a comprehensive strategy aimed at enhancing the safety and protection of humanitarian workers. As part of this effort, we should explore, *inter alia*: first, asking the Secretary-General to appoint a high-level personality to investigate and report on cases of violence against humanitarian workers such as those identified in the Secretary-General's report, with a view to identifying those responsible for these attacks where possible; secondly, encouraging strengthened enforcement of existing criminal and humanitarian law prohibiting such attacks through vigorous and effective action by national authorities; thirdly, developing concrete incentives to encourage States and non-State actors not to engage in or to tolerate such attacks; fourthly, examining the value and feasibility of a possible protocol to the Convention on the Safety of United Nations and Associated Personnel aimed at increasing the protection of humanitarian workers; and, fifthly, we should consider means to ensure that relief workers receive adequate training in personal security.

Today's debate sheds light on one of the most urgent and troublesome issues facing the international community today. The ideas we put forward today will serve as the basis for the work we must undertake right away to help ensure the safety of refugees and the humanitarian workers who provide them aid.

Mr. Shen Guofang (China) (*interpretation from Chinese*): First of all, I wish to thank the Deputy Secretary-General for her important introduction.

In late May last year the Security Council conducted an open debate on the protection of humanitarian assistance and subsequently issued a presidential statement requesting that the countries concerned, especially the parties to conflicts, comply with the relevant rules of international law, guarantee that international humanitarian assistance operations could continue to be carried out without interference, and guarantee that the safety and security of relief workers be protected.

In the various conflicts that have occurred in recent years, innocent civilians, especially women and children, have suffered the most and been the most affected. Many people have been forced to leave their homes and become refugees, with no guarantee of their basic livelihood. Under such circumstances, the international community has the obligation to provide necessary humanitarian assistance to meet the urgent needs of the refugees and displaced peoples so as to mitigate the difficulties facing them. However, as is stated in the report of the Secretary-General, owing to various factors, attacks

against international humanitarian assistance operations and their personnel have been going on unabated.

The question of the safety and security of international humanitarian relief operations and relief workers is a matter of concern. Therefore, it is necessary for the Security Council to once again hold an open debate to draw the attention of all parties to this question and push for the adoption of necessary measures so as to guarantee fully the safety and security of humanitarian assistance operations and their personnel.

China appreciates the report of the Secretary-General to the Security Council and basically agrees with the analysis contained therein. We are seriously concerned about the constant attacks against and kidnapping of humanitarian relief workers. We believe that the key to the resolution of this problem lies in strict compliance with and implementation of international law by the parties to the conflicts and in the renunciation of the practice of pursuing political goals by attacking humanitarian relief workers or by kidnapping such workers.

At the same time, the relief operations and the personnel should strictly abide by the principles of humanity, neutrality and impartiality. During their work they should be careful to respect the local history, culture, religious practices, customs and traditions.

China is in favour of the Secretary-General's recommendation regarding strengthening coordination between the Security Council and other institutions like the General Assembly and the Economic and Social Council. We support the further strengthening of information exchange between the Security Council and other organs such as the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund and the International Committee of the Red Cross so that there is a clear division of labour and each can carry out its functions, coordinate with the others and guarantee the safety of humanitarian assistance personnel.

We also believe it would be appropriate for the Security Council in the authorization of future peacekeeping operations to consider the inclusion of protection for humanitarian assistance where there is a practical need for it.

Finally, China supports the Security Council's issuing of a presidential statement and will further study the specific recommendations contained in the report of the Secretary-General.

Mr. Lavrov (Russian Federation) (*interpretation from Russian*): The Secretary-General's report prepared at the request of the Security Council on protection for humanitarian assistance to refugees and others in conflict situations provides us with an opportunity to consider more profoundly this urgent matter.

Experience shows that without effective humanitarian assistance to refugees, displaced persons and other categories of civilians, we cannot expect to succeed in preventing conflicts from escalating or in promoting the stabilization of conflict areas, or can we provide reliable assurances that such conflicts will not be resumed. That is why as a rule peacekeeping and humanitarian operations are carried out in parallel, and very often the humanitarian component becomes one of the key functions, in the multifaceted peacekeeping operations authorized by the Security Council.

The Council is often asked to provide active political support for the work of humanitarian organizations. Such support provides assurance that the actual work of these organizations in providing humanitarian assistance will not only be supported but also protected by the authority of the Security Council.

At the same time, the work of the Security Council and that of humanitarian organizations cannot be equated. While the Council bears primary responsibility for the maintenance of international peace and security, the humanitarian agencies have their own mandates and deal with specific tasks distinct from — although often quite closely related to — the functions of the peacekeeping contingents. In his report the Secretary-General quite rightly questions the practical need for maintaining this functional distinction. Certainly it would be expedient to establish clearer coordination between the military, political and humanitarian components of peacekeeping operations, *inter alia* through the effective distribution of operations between the Special Representatives of the Secretary-General and the humanitarian coordinators.

We are seriously disturbed about the recent incidents involving attacks and other uses of force against international humanitarian personnel. Such illegal actions cannot be justified in any way whatsoever. At the same time, we cannot forget that an important requisite for assuring the safety of humanitarian personnel is not only the presence of military contingents sent by the Security Council to protect them, but also strict compliance with the principle of impartiality in providing humanitarian assistance. Humanitarian assistance cannot under any

circumstance be used as a means of bringing political influence to bear on either side to a conflict. Otherwise, it would conflict with its basic objective. Instead of being an effective means for stabilizing situations and supporting political settlements, it would contribute to the escalation of conflicts. The sad examples of Somalia and Rwanda force us to give serious thought to these matters.

We fully agree with the recommendation of the Secretary-General on the need to develop in the mandates for peacekeeping operations clear and feasible humanitarian tasks — backed by adequate human, material and financial resources.

There is a real need for broader consultation and cooperation between the Security Council and humanitarian agencies, including primarily the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Committee of the Red Cross (ICRC), at the stage of planning and preparing for peacekeeping operations that involve humanitarian tasks. In this context, we are pleased to note increased activity by the Office for the Coordination of Humanitarian Affairs and its close cooperation with the Security Council.

The use of force by the international community is an extreme means of bringing pressure to bear on the conflicting parties with a view to the settlement of crises and conflicts. This applies fully in the humanitarian area also. One cannot fully exclude the use of the military, or force, factor in ensuring the safety of humanitarian personnel and the delivery of humanitarian assistance.

However, the notion of humanitarian coercion or humanitarian intervention raises quite a number of general and extremely practical issues. In any event, the functions and prerogatives of the Security Council are enshrined in the United Nations Charter and cannot be interfered with, including, primarily, the Council's exclusive authority to provide humanitarian operations with elements of coercion.

The specific parameters and limits for the use of force must be very carefully worked through, depending on the actual situation, and must be clearly set forth in mandates for operations approved by the Security Council. A comprehensive, critical assessment is required, *inter alia*, of the experience in establishing "safe areas" and "humanitarian corridors". Civilian populations must not be used as hostages in actions involving force, which are not always impartial, even when these actions are officially considered to be purely humanitarian.

Curbing the flow of arms into conflict areas is one of the main stabilizing factors which can help solve humanitarian issues. The Secretary-General's report touches on the burning issue of enhancing the effectiveness of arms embargoes imposed by the Security Council. This is an area for focusing collective efforts, primarily by the members of the Council. Arms embargoes with holes in them can simply intensify the military confrontation of the parties to the conflict and, indeed, undermine the authority of the Security Council and the United Nations as a whole.

We trust that today's debate will help ensure more effective humanitarian assistance, through the United Nations, in the maintenance of international peace and security. This task is, of course, broader than simply protecting humanitarian assistance. We need here a comprehensive and all-encompassing approach, as has been very rightly noted by the Secretary-General. The Russian Federation will continue to make an active contribution to the preparation and implementation of such an approach.

Mr. Amorim (Brazil): I wish to thank you, Mr. President, and the delegation of Sweden for having proposed this debate, which allows us to continue to look at ways of improving protection for humanitarian assistance to refugees and others in conflict situations, carrying on from last year's ground-breaking debate under the presidency of the Republic of Korea.

A balanced and useful report has been forwarded to the Security Council in response to the request contained in the presidential statement of 19 June 1997. It provides us with updated input for our efforts to develop a common understanding on the role of the Security Council in addressing the plight of civilians caught in situations of conflict.

My delegation is pleased to note that the latest report (A/53/1) on the work of the Organization defended the promotion of new forms of cooperation between the Security Council, the General Assembly and the Economic and Social Council in tackling the economic, social and humanitarian prerequisites of human security. In that report, the Secretary-General also suggested that as the Security Council is called to address economic, social and humanitarian crises that threaten global security, it may wish to invoke a dormant provision of the Charter — namely, Article 65 — which establishes a basis for invigorating the relationship between the Economic and Social Council and this Council. Brazil has

been of the same opinion for some time and welcomes the position taken by the Secretary-General.

Let me highlight a few points that relate specifically to the Security Council's area of competence in the report we have just received. We agree with the importance of promoting adherence to and compliance with international humanitarian law in improving assistance to refugees and others in conflict situations. The nearly 5,000 Brazilian troops that have served in United Nations peacekeeping operations since 1993 were previously given orientation courses by representatives of the International Committee of the Red Cross (ICRC) on the modalities and applicability of international humanitarian law. Clearly, there is a need for much wider dissemination of humanitarian principles and rules, notwithstanding the commendable work being carried out by a number of State and non-State actors worldwide and the valuable contribution made by the ICRC in particular.

At the same time, let us not forget that the basic tenet of humanitarian law is that assistance must be provided in an impartial and neutral way. The extraordinary success of the Red Cross where others have often failed can be explained by its adherence to this philosophy.

Governments, of course, may arrive at the conclusion that the scale of abuses and violations in a specific situation are such that enforcement action is justified or necessary. It should be borne in mind, in such instances, that the resort to Chapter VII action can negatively affect the provision of humanitarian assistance, as indeed pointed out in the Secretary-General's report (S/1998/883), which states in paragraph 24,

> "humanitarian organizations have been concerned that the use of the military for humanitarian activities, particularly in the context of Chapter VII operations, compromises their impartiality and neutrality, affects their ability to assist victims on all sides of the conflict and, at times, even leads to increased violence against United Nations and other humanitarian personnel".

Until not long ago, those who favoured the use of force to deal with mass abuses of human rights or rampant violations of humanitarian law assumed that they occupied the moral high ground. Today it is necessary to reassess the situation and recognize with greater caution, and perhaps wisdom, that the resort to force on humanitarian grounds entails many risks and should be treated as a serious option only in cases where it clearly stands a chance of contributing to long-lasting peace. Lord Owen, the former British Foreign Secretary, stated in this respect,

> "after recent experience, humanitarian interventions which require a delicate interpretation of the United Nations Charter will be harder to mount and will be viewed with greater skepticism".

The international community must not shun its collective responsibility to respond to the humanitarian needs of refugees and other inadvertent victims of conflict. But the lessons of the 1990s warn against the establishment of an automatic correlation between collective responsibility and collective security in the humanitarian field. In attempting to establish a few clear-cut categories for describing humanitarian operations, the Secretary-General's report makes it clear that humanitarian access can be satisfactorily assured through negotiations, without Security Council involvement or action, and that even when there are serious security problems, these may be successfully tackled with the consent of the parties.

In the extreme cases where there is a serious security situation and one or more of the parties to the conflict does not consent to the presence of external security forces, coercive options may have to be considered. At this point, however, it will be essential to bear in mind that humanitarian objectives will not be achieved unless they are combined with an effective political strategy for cessation of hostilities and stabilization. As the Secretary-General stated in his speech to the General Assembly only a week ago, we should avoid placing the Security Council in a situation in which it finds itself deploying desperate humanitarian efforts to deal with consequences, when it should be addressing the political roots, or the causes, of a conflict.

The recommendations included in the Secretary-General's report on protection for humanitarian assistance indicate some of the areas where consensus may be reached for progress to be made. The specific problems created by the presence of armed combatants in refugee camps is a matter that has already been brought to the Council's attention in connection with the Secretary-General's report on Africa, and we believe it deserves priority attention, as does the question of the need to regulate and monitor the trade in arms to areas of actual or potential conflict.

According to the latest figures, the total number of refugees, displaced and other war-affected persons fell by some 300,000 in 1997, but the overall figure remained extremely high at over 22 million at the end of the year. Not all these refugees would fall into the category of people in situations of conflict, but in the former Yugoslavia the continued displacement of about 1.8 million people continues to confront the Governments in the region — and the international community — with considerable political and humanitarian challenges.

The outflow of refugees to Guinea-Conakry from destabilized neighbouring countries has made that least-developed nation the host of one of the largest refugee populations in Africa. Many developing countries are paying with their scarce resources the economic, social and political costs of regional humanitarian crises. In order to approach the humanitarian agenda in a balanced way, it is necessary to correct the misperception that developing countries are only recipients of assistance, when in fact they are often donating what little they have.

The valuable work of the United Nations and its various relief agencies in the humanitarian field is being carried out in the face of severe resource constraints, not to speak of the political and physical difficulties involved. Greater political and material support for the work being carried out by the United Nations in this field is clearly required.

Let me conclude by renewing our expressions of support for the Office for the Coordination of Humanitarian Affairs and all United Nations agencies in the humanitarian field, whose competence and sustained commitment in assisting the involuntary victims of conflict continue to provide reassurance to Governments and comfort to the dispossessed.

The President: I thank the representative of Brazil for his kind words addressed to me and my delegation.

Mr. Monteiro (Portugal): Let me say first that Portugal fully subscribes to the statement that will be delivered later by the Presidency of the European Union.

I would like to thank you, Sir, for convening this open debate, which will allow the Security Council, for the second time, to address the problem of protection for humanitarian assistance to refugees in conflict situations, one of the most delicate and complex issues the international community faces today. We are grateful to the Secretary-General for having provided a very good, comprehensive and well-structured report, which my delegation considers to be thought-provoking and a good basis for future action.

We welcome the remarks made this morning by Deputy Secretary-General Louise Fréchette. We welcome, likewise, the participation in this debate of representatives of the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross, and hope to see them and other, similar departments, agencies and organizations more often in the debates of the Security Council related to their work.

More than one year after our first debate, I believe that no doubts remain about the legitimate and crucial role the Security Council can play in the field of humanitarian assistance to civil populations. As either a cause or a consequence of conflicts, humanitarian crises are a component of international peace and security. Given the dimension and complexity of the problem, our approach and action have to be coordinated with all the relevant organs and agencies of the United Nations — this is a collective effort that engages the entire system — as well as with other international, regional and humanitarian organizations.

The mandates of the peacekeeping operations authorized by the Security Council should therefore, from the very beginning, contain the necessary and appropriate provisions for the safety of refugees, internally displaced persons and the humanitarian personnel bringing relief to them. The Council is paying increasing attention to the question of the unimpeded and safe access of humanitarian assistance to refugees and other civilians in need. To this end, the Council must keep closer contact with other organs and agencies of the United Nations and needs timely and accurate information, including from humanitarian organizations, under the appropriate procedures.

As the Secretary-General rightly points out in his report, the protection of humanitarian assistance in situations of conflict poses, above all, a question of compliance by all the actors in the conflict — and we mean here State and non-State actors alike - with all the relevant instruments and provisions of international law. Since a central element of humanitarian assistance and the very essence of humanitarian law is the protection of the human being and, in fact, of his basic human rights, whenever a party to a conflict denies safe and unhindered access to humanitarian assistance, that party is violating

a fundamental right - the right to assistance - and is not abiding by its responsibilities and obligations under international law. The international community, the United Nations and, in particular, the Security Council must take a firm stand on violations of this nature. Our reiterated appeal for compliance must be reinforced with a clear indication that there will be no "business as usual" with perpetrators and that sanctions may be imposed on them.

States, which are responsible for the safety of refugees and all other civilians, as well as for their safe and unimpeded access to humanitarian assistance, are also primarily responsible for bringing to justice the perpetrators of such violations. The international community should raise its common voice against the culture of impunity and be more consistently committed to supporting the efforts to prosecute those who have violated international humanitarian law and to bring them to trial at the national level or before international courts, whenever appropriate.

Portugal welcomes the adoption of the Statute of the International Criminal Court and, in this context, we consider particularly important its provisions stating that attacks against humanitarian personnel are war crimes and establishing the accountability of non-State actors, including individuals, under international law and international jurisdiction. This is certainly one of the major achievements of the Statute. We must ensure that the creation of this Court will prove to be a major instrument to roll back that culture of impunity and to deter the perpetration of such violations.

When we address the major issue of protection for humanitarian assistance, we should focus our attention on the situation of the United Nations and associated personnel and the personnel of humanitarian organizations who carry out their tasks, often at the risk of their own lives. I wish here, on behalf of my country, to pay tribute to all those men and women.

It is important to strengthen all relevant international instruments of protection through the increasing accession of States to them. In this regard, we regret that, four years after its adoption by the General Assembly, the Convention on the Safety of United Nations and Associated Personnel has not yet come into force. As it has done for several years at the Commission on Human Rights and in the Third Committee of the General Assembly, Portugal reiterates here its appeal for the ratification of this Convention. In our opinion, the Convention is also applicable to all civilians involved in humanitarian missions.

Notwithstanding progress made in international instruments of humanitarian law and human rights, attacks against humanitarian personnel have been increasing. This appalling situation calls for drastic action. The Council must draw lessons from recent experience — as in the Democratic Republic of Congo — and be innovative in considering the elaboration of a mechanism to facilitate or protect humanitarian relief and assistance. Perhaps the Council can consider, in this context, the possibility of deploying military units to protect humanitarian personnel. Better coordinated and more efficient action by the United Nations, involving all agencies dealing with humanitarian assistance and peacekeeping operations, could address this problem.

The report of the Secretary-General provides us with a good set of recommendations. It is now up to the Security Council to keep the issue of the protection of humanitarian assistance high on its agenda and address it in all its implications when dealing with a particular conflict situation. Humanitarian activities are a component of a comprehensive and coordinated approach, and the Council cannot avoid its responsibilities in this field.

As a member of the Council, and even after it ceases to be one, Portugal is ready and will continue to cooperate with all delegations, departments, programmes and agencies of the United Nations to protect refugees and all other civilians affected by conflict situations. We must ensure safe and unhindered humanitarian assistance to all those in need and protect the humanitarian workers who bring them relief.

The President: I thank the representative of Portugal for his kind words addressed to me.

Mr. Türk (Slovenia): I wish to begin by paying tribute to you, Mr. President, and to the delegation of Sweden for your efforts that made today's discussion on the protection for humanitarian assistance to refugees and others in conflict situations possible. I would also like to join the other speakers in welcoming Deputy Secretary-General Louise Frechette and express appreciation for her remarks at the beginning of this meeting.

We see this open debate as timely and necessary. We welcome the report of the Secretary-General on protection for humanitarian assistance to refugees and others in conflict situations. We believe that the content of that report and the recommendations will be useful for the future work of the Council.

The nature of armed conflicts in the world has been changing for some time now. The Security Council is dealing increasingly, although not exclusively, with internal conflicts and their tragic humanitarian consequences. We can no longer speak of a clear-cut dividing line between combatants and civilians. Fighting between different factions that do not necessarily have clear political or military objectives provides for an environment without organized powers and, consequently, without law and order.

Forced displacements of innocent civilians are often the main objective of the fighting. The plight of children in conflict situations is appalling. International humanitarian personnel are often deliberately targeted. The purpose of these attacks is to prevent humanitarian assistance to people in need, and they serve political or strategic objectives of the parties to the conflict. We witness human rights abuses and violations of international humanitarian law on an unprecedented scale.

There are many reasons why the question of protection for humanitarian assistance to refugees and others in conflict situations should be a standing item on the agenda of the Security Council. Humanitarian emergency situations are the most tragic symptom of the underlying threats to international peace and security. They need to be addressed as a matter of priority. However, humanitarian action must not be used as a substitute for political or, where needed, military action.

The main purpose of humanitarian action is to save lives and alleviate suffering. It cannot be expected to solve the root causes of the conflicts. It cannot relieve the Security Council of its responsibility to address political and security issues. The Council's responsibility remains a key element in the international community's response to humanitarian crises. The Council has to respond to emergency situations in a timely, adequate and united manner, using the range of options at its disposal, defining clear mandates and objectives and, in this way, helping to create the necessary conditions for effective humanitarian aid.

One of the most worrying aspects of the new warfare and non-international conflicts in general is the erosion of respect for the norms of international law. We agree with the Secretary-General in his analysis of this problem. We believe there is a need to strengthen our efforts to ensure respect for and implementation of existing provisions of international law, including, in particular, humanitarian law, human rights and refugee law.

Violations of international humanitarian law cannot go unpunished. Prevention of impunity is primarily a responsibility of the States and their national criminal justice systems. However, it is also a legitimate concern of the international community. The currently prevailing sense of impunity must be stopped and the perpetrators of crimes brought to justice. We welcome the adoption of the Rome Statute of the International Criminal Court as a ground-breaking step forward in providing justice to victims, limiting impunity and deterring the commission of genocide, crimes against humanity and war crimes.

In the light of the experience of recent conflicts which have dramatic humanitarian consequences, such as the situation until recently in Sierra Leone and currently in situations like that of the Democratic Republic of the Congo, Afghanistan and Kosovo, to name just a few, we would like to stress the importance of ensuring humanitarian access to refugees and others in need. We share the view of the Secretary-General expressed in the report that serious consideration should be given to developing a range of options to maintain law and order and create a secure environment for civilians endangered by conflict and for the delivery of humanitarian assistance in conflict situations.

In many situations, the key to the solution lies in the need to achieve a ceasefire and to start a political dialogue and negotiations. On the other hand, when one or more parties to the conflict deliberately obstructs humanitarian assistance to civilians, coercive options, including military enforcement, may be the only effective response to the mounting problems of a complex emergency situation. We agree with the approach explained by the Secretary-General in paragraph 25 of the report, which addresses one type of such situations which occurs very frequently.

International humanitarian organizations work on the basis of the concepts of neutrality, impartiality and independence. It is therefore unacceptable that, in their efforts to help people in need, they often become deliberate targets of the parties to the conflict. This is partly because of the distorted perception of humanitarian action. In most cases, however, their presence is simply perceived as an impediment to achieving political or military objectives of the parties to the conflict, or as an undesirable witness to grave violations of human rights and international humanitarian law. Humanitarian organizations, therefore, require every form of support possible, and the Security Council must be aware of that.

We strongly believe that the spirit of humanitarianism can never die. However, we are also convinced that certain security conditions have to be met in order for humanitarian organizations to carry out their mission in reasonable safety. We strongly condemn acts of violence against humanitarian workers and welcome the provisions of the Statute of the International Criminal Court, under which attacks against United Nations and humanitarian personnel now constitute war crimes and fall within the competence of the Court.

Let me say the following in conclusion. The work of the Security Council is mainly situation-specific. A general discussion like the one today can help in addressing broader issues and in providing guidance to specific situations. The report of the Secretary-General on the protection for humanitarian assistance to refugees and others in conflict situations contains valuable recommendations that should be thoroughly and promptly considered by the Security Council. Slovenia is willing to actively participate in this effort.

The President: I thank the representative of Slovenia for his kind words addressed to me.

Sir Jeremy Greenstock (United Kingdom): The Permanent Representative of Austria, in his capacity representing the Presidency of the European Union, will be making a statement later in this debate, with which the United Kingdom fully agrees.

Mr. President, you were right to schedule a further open debate on this subject, and I pay tribute to Sweden's forward role on it. Since we last addressed the issue, we have seen yet more evidence in far too many conflicts that a culture of impunity still surrounds attacks on the provision of humanitarian assistance. We have seen the murders of United Nations staff in Afghanistan and Burundi. We have seen the deaths of humanitarian personnel in the conflict in Kosovo and in Tajikistan. We have seen hostage-taking in the Caucasus. And we have seen attacks on those local populations who have turned to the international humanitarian organizations for shelter and protection. All of this is unacceptable.

But it is not enough simply to say that this is unacceptable. We need an agenda for action. It is in this context that I would particularly like to thank the Secretary-General for his focused and action-oriented report, supported by the clear and insistent statement of the Deputy Secretary-General this morning.

I will not address each of the recommendations in the Secretary-General's report, but I would like to address one or two key issues.

First, the international community should take seriously its responsibilities under international law. In this context, we welcome the adoption in Rome of the Statute of the International Criminal Court. We hope that this will help end the culture of impunity and so make the world a safer place for everybody, including humanitarian personnel. We particularly welcome the explicit reference to humanitarian personnel in the list of war crimes within the jurisdiction of the Court. The work which United Nations agencies, non-governmental organizations and others do, often with great personal courage, to bring humanitarian relief to those caught in conflicts, is too important for us to take a complacent or routine approach to this question. The United Kingdom would also like to take this opportunity to urge all States to ratify the 1994 United Nations Convention on the Safety of United Nations and Associated Personnel without further delay.

Secondly, host countries should fulfil their obligations towards humanitarian personnel. The Secretary-General's report notes that solidarity and burden-sharing are important in encouraging States to respect humanitarian principles and obligations, but they are not prerequisites. Host countries should make every effort to bring those responsible for violations of these principles to justice.

Thirdly, the Security Council should make every effort to ensure that humanitarian assistance is given adequate protection. The United Kingdom would be very willing to discuss further the five suggestions made this morning by the Acting Permanent Representative of the United States. The Secretary-General's report rightly makes clear the importance of providing clear, realistic and appropriate mandates to United Nations troops in support of humanitarian operations.

Providing such support cannot be a soft option. The force must be properly equipped to respond to the threats it may face and receive suitably robust rules of engagement. All too often, we have asked the military to do the impossible and failed to give them the resources they need.

Furthermore, I support the view expressed just now by the Permanent Representative of Brazil that the role of military forces in such situations may have to be assessed

against the need to address the causes rather than just the symptoms of a conflict. This needs further analysis and debate.

This debate will have a lasting value only if it is seen as part of a continuous process. The Council is looking at some of the recommendations contained in this report in the context of the follow-up to the Secretary-General's report on Africa. My delegation stands ready to play a full and active role both in that process and in support of any other action to address the problem.

The President: I thank the representative of the United Kingdom for his kind words addressed to my delegation.

Mrs. Odera (Kenya): My delegation welcomes the report of the Secretary-General on protection for humanitarian assistance to refugees and others in conflict situations and is pleased to participate in today's formal meeting. We attach much urgency and importance to this issue.

As conditions for the provision of humanitarian assistance become increasingly precarious around the world, the international community has a collective responsibility to ensure the safety and security of the personnel of the United Nations, non-governmental organizations and other humanitarian organizations.

Coming in the wake of the Council's discussion of 21 May 1997 and the subsequent presidential statement of 19 June 1997, which invited the Secretary-General to study the matter of protection for humanitarian assistance further, this report represents a clear and succinct study of the main aspects of the problem and takes note of such important elements as the increasingly violent environment in which refugees, displaced persons and other victims of conflict find themselves. It also reminds us of the disregard for humanitarian norms and the high risks faced by humanitarian personnel.

The African continent holds the unenviable record of having the highest number of refugees and internally displaced persons. The situation is aggravated by changing patterns of conflict. Today, all the taboos concerning conflict have been violated, as we witness whole societies being mobilized for war, children as young as nine being recruited and trained to fight and civilian populations including women and children being specifically targeted.

In the recent past, the civilian character of refugee camps has changed; such camps now include, in some cases, armed elements, militias, mercenaries and child soldiers. In addition, a culture of impunity has developed, as violators of human rights and humanitarian law continue to wreak havoc unpunished. In this regard, Kenya welcomes the recent establishment of an International Criminal Court, which will ensure accountability of those who violate international law by stressing the individual responsibility of such violators.

We wish to rise to the challenge to both States and non-State actors to comply with existing international legal instruments that are designed to assist and protect civilian populations from harm and that outline urgent measures to ensure that refugees, displaced persons and other affected people in conflict situations have access to international protection and assistance. In this regard, my delegation welcomes the adoption of the guiding principles for the protection of internally displaced persons, as noted by the Economic and Social Council at its substantive session of 1998.

In our capacity as a host country, we in Kenya have always endeavoured to ensure that refugees, displaced persons and other civilians have safe and unimpeded access to such assistance as a right. We know at first hand the social implications and environmental degradation caused by a high concentration of refugees in designated areas, and now we urge the international community to assist by enhancing local capacity for provision of humanitarian assistance. Today, our greatest contribution to refugees and displaced persons is to ensure that access to this assistance remains neutral and impartial. In this respect, we call upon the Security Council to continue to play a decisive role in humanitarian operations.

Mr. Jagne (Gambia): My delegation would like to thank the Secretary-General for his report. We find it to be very instructive in its analysis of the problem of protection for humanitarian assistance to refugees and others in conflict situations. We would also like to congratulate you, Mr. President, on arranging this open discussion of this burning issue.

There are adequate legal mechanisms designed by the international community for the protecting of refugees and other persons affected by conflict and for the protection of humanitarian assistance to such persons. Notwithstanding this body of laws, we are increasingly burdened by the problem of access of refugees and other

vulnerable populations in conflict situations to humanitarian assistance, and the related problem of the safety and security of the personnel of the United Nations and humanitarian organizations.

It is disheartening to note that between 1 January 1992 and 31 August 1998, 153 United Nations personnel have lost their lives and 43 incidents of hostage-taking of United Nations personnel have been reported. This trend cannot continue; it should not be allowed to continue. The Security Council and other concerned bodies and organs of the United Nations system should do everything possible in accordance with their respective mandates to bring to an end this perennial problem.

My delegation believes that first and foremost the issue of compliance with international law should be addressed. States and non-State actors in conflict situations must respect their obligations under international humanitarian and human rights law. In this context, we agree with the Secretary-General's recommendation that Member States should reaffirm their commitments to the international law regime that deals with the subject. Member States which have not yet acceded to the relevant legal regimes should endeavour to do so.

With regard to non-State actors, we agree that knowledge of or respect for the international law regime governing people in conflict situations is generally lacking. We must not, however, overlook the fact that in some instances violations of these laws mainly result from factors other than lack of knowledge of them.

In any case, dissemination of the norms and principles of international law is a very important step. We welcome the advocacy activities of the International Committee of the Red Cross (ICRC), the Office of the United Nations High Commissioner for Refugees (UNHCR), the Emergency Relief Coordinator, the Division for the Coordination of Humanitarian Affairs and the United Nations Children's Fund (UNICEF). My delegation would welcome a stepping up of these promotional activities and a better targeting of the audience.

Enforcement of the relevant international norms and principles should be a priority. The culture of impunity must be brought to an end. Individuals responsible for crimes against humanity and violations of international humanitarian law must take personal responsibility for their actions. That is why my delegation welcomes the establishment of the International Criminal Court to ensure an appropriate international response to gross violations of human rights and humanitarian law. Henceforth, no army, no ruler, no junta anywhere will be able to abuse human rights continuously with impunity. My delegation looks forward to the coming into effect of the Statute of the Court and encourages Member States to consider signing the treaty.

The burden of hosting refugees is often very great. Its political and socio-economic impact on developing countries that receive large populations is often heavy. We agree that solidarity and burden-sharing are important to encourage States to respect humanitarian principles as well as their international obligations. We also recognize that the international community should be ready to assist these States, and that such assistance should not be at the expense of official development assistance.

The creation of a secure environment for civilians endangered by conflict and for the delivery of humanitarian assistance is a matter that requires thorough and urgent consideration. Many States, particularly in Africa, lack the capacity to do this. The options articulated in the report of the Secretary-General are numerous. My delegation would like to take special note of the need to build local capacity in this regard. An international mechanism to assist host States to deal with these issues would be in order. Since the ad hoc Working Group of the Security Council established pursuant to resolution 1170 (1998) is considering these issues as part of the recommendations contained in the report of the Secretary-General on Africa, my delegation eagerly awaits the product of its work.

Of equal importance to the issues of access to and protection of refugees and vulnerable groups in conflict situations is the security of humanitarian personnel. While we agree that Member States should ratify the Convention on the Safety of United Nations and Associated Personnel and the Statute of the International Criminal Court, other concrete measures should be adopted to ensure their safety. One such measure is mandatory training of humanitarian personnel on security procedures prior to deployment.

In this connection, my delegation welcomes the joint training package on security training by the United Nations Security Coordinator and UNHCR. We hope that the organizations concerned will come up with the necessary funds to undertake this training. We also encourage States to contribute to the trust fund for security.

Finally, in our view the Security Council has a role to play in protection for humanitarian assistance to refugees and others in conflict situations. There is, however, no definite position by the Council on this issue. It is not enough that the Council merely condemns or, even less, just expresses concern over these issues while the United Nations and other humanitarian personnel are increasingly attacked and sometimes killed in conflict situations. The time has now come for the Council to be more action-oriented in dealing with these issues. In this context, my delegation would support the development of clear-cut guidelines to deal with the pressing problems raised in the Secretary-General's report. The very first step in this direction is to deal with the root causes of conflicts.

The President: I thank the representative of the Gambia for the kind words he addressed to me.

Mr. Niehaus (Costa Rica) (*interpretation from Spanish*): My delegation is pleased that this open debate on protection for humanitarian assistance to refugees and other victims of armed conflict is taking place. It will allow us to take another look at some of the cardinal principles that we believe must guide the actions of the Security Council and our Organization.

In May last year, during the first debate on this issue, my delegation advocated a new concept of conflict resolution. We maintained that conflict management and resolution by this Council must be based on a new concept of security, centred on the human being, and rejected the prevailing concept of peace and security seen from an exclusively military standpoint. We maintained that Security Council actions should necessarily be extended so as to promote and ensure respect for human rights and provide better living conditions for victims of armed conflicts. Our experience over the past year has strengthened my delegation's position on this matter.

Security and peace are not matters for States alone. In the final analysis, States are fictitious creatures with no more reality than that given to them by the people who live in them. Security, peace and order are worth nothing if the people who make up those States exist in the most abject living conditions and their fundamental rights are flouted. The true objective of international peace and security is the happiness of human beings, who should be allowed fully to develop all their capacities in freedom and justice every day of their lives.

The first step to attaining this lofty ideal is to protect innocent civilians from the impact of armed conflict, preventing them from becoming direct targets of military action and providing them with at least the most basic living conditions during crisis situations. In this context respect for international humanitarian law, humanitarian assistance to refugees and displaced persons and protection for those providing such assistance becomes particularly relevant.

First, we believe it essential that the parties to a conflict respect international humanitarian law, both customary and treaty law, in particular the norms of the 1949 Geneva Conventions and the 1977 additional Protocols thereto. Furthermore, we believe that all parties must respect the principles and norms of human rights under all circumstances. In this connection, we are pleased to note that this Council has begun calling on parties explicitly to comply with those norms and principles. We also believe that all parties must respect the international law on refugees and, in accordance with those norms, must permit access for humanitarian assistance to all persons in need.

Secondly, we agree with the Secretary-General that there must be an increase in international solidarity in response to the humanitarian needs of refugees and displaced persons. Costa Rica, which took in refugees during the crisis in Central America, is fully aware of the economic, social and political burden involved in receiving such populations in need, and we can testify to the indispensable role of international cooperation to lighten the burden.

Thirdly, we believe that additional measures must be taken to facilitate the provision of humanitarian assistance and to ensure the safety of those providing it. In our view, a range of measures is needed, ranging from ratification of international conventions guaranteeing the protection of those providing humanitarian assistance and the recently adopted statute of the International Criminal Court to the adoption of concrete mechanisms and other tools for ensuring the physical safety and integrity of assistance providers and of their bases of operation and their means of communications and transport. We recognize that humanitarian personnel have the right to self-defence in the event of unjustified attack, but we believe in avoiding the use of force to the extent possible, with a view to preserving the conditions that are indispensable for impartiality and neutrality. In every case, we condemn the taking of these heroic humanitarian personnel as hostages and their murder as an act of reprisal.

Fourthly, we believe that the situation of refugee and displaced-persons camps must be given greater attention. It is unacceptable that some camps should be used as bases for combatant groups or that they should become the site of battles among factions. We believe that all parties must respect the neutrality of refugee and displaced-persons camps; under no circumstances can these be regarded as legitimate targets for attack. Moreover, all parties must give humanitarian organizations access to refugee and displaced-persons camps, not only to provide assistance but also to assess the living conditions of the inhabitants. The valuable work of the Office of the United Nations High Commissioner for Refugees in this area has been universally recognized, and we take this opportunity to reiterate to Mrs. Ogata Costa Rica's full support for her work and for her unquestioned leadership.

Fifthly, there should be no impunity for those who attack the security and safety of humanitarian personnel. The belligerent parties must take all measures necessary to prevent attacks on such personnel and in the event that these occur to punish those responsible with a view to avoiding further attacks. Here we reaffirm the relevance of the provisions of the statute of the International Criminal Court declaring attacks on humanitarian personnel to be war crimes. We regret that the Security Council as a whole was unable to include in the statement to be read out by its President later today explicit reference to this important progressive development in international law, owing to the reluctance of some members.

Belligerent States and other parties bear the primary responsibility to guarantee full respect for international humanitarian law and to permit the distribution of humanitarian assistance to refugees and displaced persons who need it, as well as to guarantee the safety and security of humanitarian personnel. But this does not exonerate the international community, or the Security Council in particular, from the obligation to ensure respect for these basic norms and to promote better living conditions and improved security for the victims of armed conflicts. Only when we have done this will the sun of justice shine upon us from on high, enlightening those who dwell in darkness and in the shadow of death, and guiding us along the path of peace.

Mr. Owada (Japan): More than a year has passed since the Security Council held extensive discussions and issued a presidential statement on the agenda item we are discussing today. We were very much aware then, as we are now, that it is necessary for humanitarian organizations — those within the United Nations system as well as others, such as the International Committee of the Red Cross (ICRC) — to conduct their operations on the ground under difficult and dangerous circumstances. Thus, we called upon all parties concerned to ensure the safety and security of those personnel who are dedicated to saving the lives of people in areas of conflict. It was our hope then that there would be no more incidents where the lives of such personnel were threatened, aid goods and material looted, or entire humanitarian operations jeopardized. Unfortunately, that has not been the case.

From many areas affected by conflict — Afghanistan, Angola, Burundi, the northern Caucasus, the Democratic Republic of the Congo, Kosovo, Rwanda, Sudan and Tajikistan — we have continued to receive tragic reports of humanitarian personnel being attacked, abducted or murdered, and humanitarian supplies looted. The need for the international community to cope with this situation is clearly ongoing and urgent. It is up to the Security Council, in discharging its responsibilities for the maintenance of international peace and security, to take action in that effort.

The issue of the protection of humanitarian assistance in conflict situations is a complex and multidimensional one. Based on the discussions we had in this Council last May, as well as the discussions of the General Assembly, which led to its resolution 52/167, together with the report of the First Periodical Meeting on International Humanitarian Law, convened by the Government of Switzerland in January at Geneva, which discussed this issue in depth, and also the report of the Secretary-General before us today, I believe that the problem may be considered in the following three major aspects.

First is the aspect of dissemination of awareness and advocacy of the problem. The lack of respect for basic human rights and international humanitarian law among people in conflict-affected areas, including the leaders of warring parties, has resulted in disregard among warring factions for the basic principles on which those humanitarian operations are based. An attempt to annihilate certain social groups in opposition — whether ethnic, religious or otherwise — sometimes becomes the very purpose of the conflict and thus results in total disregard for human rights. Under such circumstances, the logic that those who give assistance to the enemy make themselves the target of attack can come to prevail.

The second aspect is that of the legal framework for protection. This concerns the adequacy of international instruments in protecting humanitarian personnel. Among the most important to be discussed in this regard is the question of implementation of such instruments by the international community through strict application of relevant rules of law, including the prosecution of those who violate them. This would send a clear signal by the international community not to allow a culture of impunity.

The third aspect is in the area of practical measures for protection. This includes such practical matters as measures aimed at minimizing security risks and those aimed at remedying any existing security risks.

As for the first aspect, the report of the Secretary-General correctly points out that the advocacy of humanitarian principles is critically important in avoiding extreme situations where a humanitarian operation itself is seen as a hostile act by one or the other warring party. When tensions stemming from ethnic, religious or other rivalries reach the level of conflicts of mutual annihilation, it is impossible for humanitarian organizations to conduct their operations without provoking hostile action against them from one side or the other. The dissemination of knowledge and understanding of basic human rights and humanitarian principles, including the right of refugees and other victims of war to live and to have access to basic materials, is the most fundamental deterrent against such situations.

The international community, including bodies within the United Nations system such as the Office for the Coordination of Humanitarian Affairs, the Office of the United Nations High Commissioner for Refugees, the United Nations High Commissioner for Human Rights and the United Nations Children's Fund, as well as other humanitarian organizations such as the ICRC, should redouble in a coordinated manner its advocacy efforts, especially in regions of potential conflict. The Security Council, for its part, can strongly support those efforts by urging Member States to respond positively to them and to cooperate with them. It can also facilitate the process by requesting the Secretary-General to promote cooperation through more effective measures, for example through the use of his special representatives and envoys for such purposes.

With respect to the second aspect of the issue, the adequacy of existing international instruments in providing protection for humanitarian personnel is a problem we should address in a more serious manner. Here I should like to propose that the Council consider the possibility of requesting the Secretary-General to conduct a thorough study of this problem, including the possibility of a comprehensive convention covering all aspects of humanitarian assistance in the context of the changing characteristics of today's conflicts. In the meantime, however, as one of the first countries to become party to the Convention on the Safety of United Nations and Associated Personnel, Japan calls upon all Member States to join it as soon as possible.

Ensuring a more effective implementation of international humanitarian law is another critical dimension of the legal aspect of the issue. In this context, I wish to draw the attention of the Council to the significance of the establishment of the International Criminal Court. Under the Statute of this Court, which was adopted in July this year, attacks against humanitarian personnel constitute war crimes which would come under the jurisdiction of the Court.

We must not ignore the fact that, even with the establishment of the International Criminal Court, the primary responsibility for prosecuting the perpetrators of international humanitarian law lies with Member States. The importance of the fight against the culture of impunity at the national level through the prosecution of perpetrators, therefore, should be emphasized in the advocacy activities of various organizations, as well as in any future actions of the Security Council on this issue.

The third aspect concerns a number of problems which have to be addressed at the practical level in order to enhance the security of refugees, as well as humanitarian personnel. We must first of all consider how to minimize the security risks to such personnel on the ground. Ensuring the neutrality and security of refugee camps by such means as separating combatants and civilians is, in the view of Japan, a complicated but essential task which has to be implemented with decisive action. Stemming the illicit flow of arms to and in Africa would also significantly improve the security of personnel. Tackling these issues was recommended in the report of the Secretary-General on peace and development in Africa.

On this score, my delegation expresses its full support to the delegation of the United States, the coordinator of the working group on the security of refugee camps, in achieving effective and practical results. My delegation, as the coordinator of the working group on illicit arms flows, expresses its own

determination to achieve concrete results in this area, taking into consideration the views expressed at the ministerial meeting of the Council held just last week.

The appropriate training of humanitarian personnel and the adherence of humanitarian organizations to the principle of strict impartiality are other factors which need to be addressed in order to minimize the security risk on the ground. Japan welcomes the development of the security training package by the United Nations Security Coordinator in collaboration with UNHCR. Japan reiterates its commitment to make contributions of about $1 million to the United Nations to support security measures for United Nations personnel, and calls upon other States to contribute to the Trust Fund that was formalized in June for that purpose.

My delegation would also like to suggest that the Council take into account in its future actions the code of conduct for organizations participating in humanitarian operations, developed by the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies.

Taking measures to protect humanitarian operations from existing security risks is another important task. The strict adherence of humanitarian organizations to the recognized principles of humanitarian assistance continues to be essential for ensuring the security of humanitarian operations. For this reason, my delegation is of the view that humanitarian operations should as much as possible avoid relying on forces to protect their activities.

In reality, however, there has in recent years been a trend for a humanitarian operation itself to become the target of an armed attack, making the provision of armed protection indispensable. Even in this situation, however, such protection should be commensurate with the potential threat. Against threats from bandits, protection by civilian police could be more effective. Against threats of a military nature, armed protection by military organizations may have to be considered as an option, although the involvement of armed force for the purpose of such protection can be counter-productive. The Security Council, in deciding to provide assistance to such humanitarian relief activities, should carefully weigh this factor. It is the considered view of my delegation that the following conditions should be met when United Nations peacekeeping forces are to be involved as an instrument for the protection of humanitarian efforts.

First, the mandate of such an operation must be clearly defined and its terms of reference precisely specified.

Secondly, the actual situation on the ground must be such that under this mandate the mission of protection may realistically be expected to be accomplished through the means offered.

Thirdly, the operation must be equipped with the necessary human and material resources to accomplish the mission.

Lastly, the Security Council must closely monitor the situation so that the operation can adapt to the rapidly changing situation on the ground.

There are many more issues which I have not touched upon today but which need to be addressed in this area from the viewpoint of how to ensure the security of humanitarian efforts. I wish to conclude my intervention by reverting to the most fundamental point that must be constantly kept in mind — namely, that the problem of refugees and other humanitarian crises can only be eradicated through attacking the underlying root problems. It is therefore necessary for the international community, and especially for the Security Council, to tackle these situations as an organic and comprehensive whole and to take a holistic approach to the conflict through efforts to bring about a ceasefire, ensuring strict observance of such a ceasefire and through engaging already at an early stage in rehabilitation and reintegration of the people involved.

The President: I thank the representative of Japan for his statement. I take the liberty to do so with special emphasis, since it is my understanding that today is the last day that Ambassador Owada will be present in this Chamber as the Permanent Representative of Japan to the United Nations and as the representative of his country on the Security Council. I am sure that I speak for all members of the Council in wishing our colleague all the very best in his future endeavours. He will be greatly missed in this circle, especially with respect to the keen insight with which he has addressed the major issues confronting the Security Council.

Mr. Dejammet (France) (*interpretation from French*): I would like to thank you, Mr. President, for expressing on behalf of all the members of the Council the feelings of respect, friendship and esteem that we all have for Ambassador Owada. I readily join in the wishes

you have just expressed for the success of his future endeavours. I think it is quite appropriate that we should be invited by you to adopt a presidential statement on a subject to which the Permanent Representative of Japan himself has devoted a great deal of time and thought.

I would also like to thank the Secretary-General for the very good report he has submitted on protection for humanitarian assistance to refugees and others in conflict situations, following the debate we had last year. This report contains recommendations which stem from experience and deserve the full attention of the Council. We hope that the report of the Secretary-General will mark the beginning of comprehensive thinking on the means available to us to cope with the deterioration of the situation of civilian populations in conflicts and of the conditions in which humanitarian personnel are working in the field.

Civilian populations, and women and children in particular, have become not only the principal victims but also the targets of current conflicts. Massive displacements of people are occurring on a daily basis. Civilians are being massacred. Children, caught up in the spiral of war, are being slaughtered. Humanitarian personnel are taken hostage and threatened, and they must work in constant fear for their lives.

The Security Council cannot remain indifferent in the face of this situation. It must, in carrying out its mandate, take greater account of the humanitarian dimensions of conflicts, anticipate them and provide for them in its statements and resolutions. The Council has instruments at its disposal that might help to protect humanitarian assistance. It must therefore muster the resolve to put these into effect.

We have had failures in recent years, which should compel us better to shoulder our responsibilities. There was Somalia, which had a regrettable impact on the opinions of some, though we know that in humanitarian terms some good work was done in that country. That experience made us aware of the importance of not disassociating humanitarian activities from the general social, political and economic context of a conflict.

In this connection, I should like to commend the efforts of Under-Secretary-General Mr. Sergio Vieira de Mello, who endeavours regularly to inform the Security Council of developments in the humanitarian situation of the conflicts of which the Security Council is seized.

The experience of the United Nations Protection Force, with which Mr. Vieira de Mello is deeply familiar, has taught us that when the Security Council decides to deploy United Nations contingents to support humanitarian activities, it should define in a clear, precise and realistic mandate the respective responsibilities of their military and humanitarian components. In the field, this should be reflected in a close coordination among the political and military components on the one hand and the humanitarian components on the other, while bearing in mind the particular nature of their respective tasks. This is an ongoing problem that is not always resolved in an entirely satisfactory manner. We are aware that humanitarian personnel often have to carry out tasks that are viewed by the local civilian population to a certain extent as alibis for our inability to settle the conflict militarily or politically.

Hence the risk to humanitarian personnel, and the caution we must therefore exercise often leads to paralysis in the Council and an inability to live up to our responsibilities. In Central Africa in November 1996, in spite of a decision taken by the Security Council to set up a multinational force to ensure the safe delivery of humanitarian relief to hundreds of thousands of people — women and children — in dire circumstances, that operation was not deployed and a very serious humanitarian disaster ensued.

Today the same consideration should make us doubly careful regarding the situation in Kosovo. We all understand the need for caution, but once again the Security Council must shoulder its responsibilities in order to avoid another humanitarian catastrophe — and fortunately it began to show evidence of this last week.

Monitoring respect for the norms and principles of international law is crucial. The creation of an International Criminal Court is a major step forward in our fight against the impunity of war criminals. Our country was among the first to sign the treaty in Rome, and we hope that those countries that have done yet done so will join us. We wish to contribute to making the Criminal Court a credible and effective instrument in the service of human rights and humankind.

As we said earlier, we are concerned at the deterioration of the working conditions of humanitarian personnel. Increasingly they are used as targets by parties to conflicts. In this regard I cannot but recall with sadness that since January 1998 one of our fellow countrymen, Mr. Vincent Cochetel, who worked for the

Office of the United Nations High Commissioner for Refugees in North Ossetia, has been held hostage by his captors for nine months now.

We should therefore do everything in our power to ensure conditions of safety that are satisfactory for humanitarian workers. The 1994 Convention on the Safety of United Nations and Associated Personnel is a legal instrument to which we attach great importance. We have signed it, and the ratification process is under way in the French Parliament. Obviously we hope that many States will do likewise. But that instrument is not enough. The Convention is not enough, because it does not cover all categories of humanitarian personnel and is therefore unlikely to resolve complex problems with multiple causes.

We have tried to come up with ways of improving this state of affairs. Last February France organized a national meeting with non-governmental organizations in order to determine how better to protect humanitarian personnel. We shall consider the proposals made this morning by the United States. I believe that above and beyond general considerations — welcome as they are — we must devise practical measures.

The most important thing is to make governing circles and authorities aware of the need to provide for the protection of humanitarian staff and civilian populations. Gradually the United Nations is trying to propagate this belief, and today our hope is that the statement we are about to adopt will help us progress towards the objectives proposed to us.

The President: I thank the representative of France for the kind words he addressed to me.

Mr. Dangue Réwaka (Gabon) (*interpretation from French*): Like other delegations, we too would like to commend the Swedish delegation for the welcome initiative it has taken in organizing this meeting on the important issue of protection for humanitarian assistance to refugees and others in conflict situations.

There is hardly any need to recall here that protection of and respect for individuals has always been a concern of the international community, under normal circumstances and, in particular, in times of war. Thus, a series of universal legal instruments have been adopted within the frameworks of human rights and international humanitarian law. We have in mind, *inter alia*, the Universal Declaration of Human Rights, the Geneva Conventions of 1949 and the Additional Protocols to these Conventions.

But however abundant the legislation may be in these areas, we must observe that it has not been strictly implemented, either by States or by the various groups engaged in conflicts. We deeply deplore this situation, the consequences of which are well highlighted in the report of the Secretary-General contained in document S/1998/883, which we are considering today.

The international community can no longer stand by while women, children, the elderly, refugees and the staff of humanitarian organizations — in short, the civilian population — is constantly targeted by armed groups. An end must be put to such chronic abuses.

According to the Secretary-General's report, between January 1992 and August 1998, more than 100 staff members of the United Nations and humanitarian organizations paid with their lives for their dedication to the humanitarian cause. We would like to take this opportunity to pay tribute to the memory of those soldiers of peace and humanitarian security. We repeat once again that these attacks are totally unacceptable, and we should do our utmost to put an end to them by adapting and strengthening existing instruments.

Similarly, we would like to express our gratitude and our encouragement to the International Committee of the Red Cross, the Office of the United Nations High Commissioner for Refugees and all governmental and non-governmental organizations involved in assistance and humanitarian relief.

In this context, my delegation firmly supports the useful recommendations of the Secretary-General aimed at increasing protection for refugees and displaced persons, as well as for the personnel of the United Nations and humanitarian organizations.

However, all our efforts will be in vain if no concrete action is taken to build confidence between humanitarian organizations and the parties in conflict, who sometimes accuse these organizations of supporting one group at the expense of another.

In conclusion, I would like to reiterate what our delegation emphasized last 24 April in this Chamber: that a solution to armed conflicts — the source of so much human suffering — requires that we look for a global solution to their causes.

This is equally valid for the item we are discussing today.

The President: I thank the representative of Gabon for his kind words addressed to my delegation.

Mr. Al-Dosari (Bahrain) (*interpretation from Arabic*): First of all, I would like to express my thanks to you, Mr. President, for organizing this open meeting and this important debate. I am also pleased to express deepest appreciation to the Secretary-General for the excellent report he has given us on protection for humanitarian assistance to refugees and others in conflict situations.

For decades now the international community has been aware of the importance of ensuring the safety and security of refugees and displaced persons and others affected by conflicts. Therefore, sustained efforts were made in order to have the necessary legislation in place to protect these people. This is why many conventions and agreements have been signed — for example, the Universal Declaration of Human Rights of 1948, the 1949 Geneva Conventions and the Additional Protocols of 1977 and the 1951 Convention and 1967 Protocol relating to the Status of Refugees.

On the other hand, it has become clear that humanitarian assistance to refugees and displaced persons is often hijacked, so to speak. Moreover, humanitarian personnel have also become victims of attack. This continues to be one of the main problems that the international community has to resolve.

In this connection, my delegation expresses its great concern regarding attacks on international personnel who are providing emergency assistance. We condemn the attacks on them, because they are violations of international law.

My delegation is in full agreement with the conclusions reached at by the Secretary-General in his report with regard to the responsibility incumbent on States to provide for and ensure the safety and security of personnel of the United Nations and of humanitarian organizations.

It is of the utmost importance that the Security Council be kept regularly informed of the humanitarian situation in various conflict areas so that the Council can have a comprehensive picture of what is going on, and thereby be able to adopt the appropriate resolutions in order to deal with any problems encountered.

My delegation also endorses the recommendations of the Secretary-General's report, including improving the level of safety for humanitarian and emergency assistance in conflict areas and the means of providing such assistance. Efforts must be made at the national and international level in order to find a solution to these matters.

In conclusion, I must pay tribute to the international and regional efforts made to ensure protection for humanitarian assistance to refugees and displaced persons. The role played by the United Nations and its specialized agencies is an important pioneering role. Governmental and non-governmental organizations also undertake far-reaching activities in this domain.

My delegation would also like to stress the need for coordinating the efforts made by States for the purpose of providing better humanitarian assistance to refugees and displaced persons, and for ensuring the safety of providing that assistance. Accordingly, we await eagerly the adoption by the Security Council of a resolution on this matter.

The President: I shall now make a statement in my capacity as representative of Sweden.

Let me start by stating that Sweden fully endorses the statement that will be delivered later today by the representative of Austria on behalf of the European Union. I would also at the outset like to express my Government's high appreciation of the report of the Secretary-General and of the presentation by the Deputy Secretary-General earlier this morning.

The report confirms that violations of international humanitarian, refugee and human rights law jeopardize international peace and security. Concern for victims of armed conflict and efforts to assist them have therefore become a major aspect of the work of the Security Council.

Refugee flows and displacements of people are both consequences of and contributing factors to instability. Armed groups often mix with civilians and use them as human shields in violation of humanitarian law. Not only are civilians in this way deprived of the protection to which they are entitled, but their lives and livelihoods are further threatened. This tendency is alarming, both because of the human suffering it causes and for the effect it has on peace and security.

Sweden condemns all attacks against innocent civilians and against personnel of the United Nations and

humanitarian organizations. In this context, my Government welcomes the provisions of the Statute of the International Criminal Court which state that attacks against humanitarian personnel constitute war crimes. This is a major step towards breaking the culture of impunity for such acts and ensuring that the culprits are held personally responsible.

The Security Council has a responsibility, together with the Secretary-General and the United Nations system at large, to address the security and safety of humanitarian assistance to all those in need. The objective must be to prevent humanitarian crises by providing early and viable solutions to their root causes. Regular briefings to the Council by key humanitarian actors are important to ensure a comprehensive approach to complex humanitarian emergencies. Last week's Security Council resolution on Kosovo is, to our mind, a good example of a strong political response to an increasingly acute humanitarian situation.

Sweden welcomes the Secretary-General's efforts to build closer coordination between the various responsible United Nations entities, *inter alia*, through joint meetings with the Executive Committees on Humanitarian Affairs and on Peace and Security, as well as the United Nations Development Group.

The report of the Secretary-General reviews the past experience of a variety of arrangements to enhance the safety of humanitarian operations. As always, clear mandates are essential. The mutually supportive relations between the Special Representatives of the Secretary-General and the Humanitarian Coordinators should be further enhanced. There are also important lessons to be drawn from the United Nations guards in northern Iraq and from the more recent international monitoring presence in Bosnia and in Kosovo.

We need to continue to develop mechanisms to ensure humanitarian security without necessarily relying on military deployment. Important steps are also being taken by the humanitarian community itself to address these issues.

Many of the recommendations of the report are closely related to recommendations in the Secretary-General's Africa report. Clear links exist between the follow-up to the two reports. This is, for example, the case when it comes to creating an effective international mechanism for security in refugee camps.

Today's meeting is another step in the Council's efforts to strengthen its role in supporting humanitarian action. It is the second time in two years that we have had a wide-ranging debate on this topic in this Chamber. The report should be thoroughly and promptly reviewed, taking into consideration our discussion here today. Concrete conclusions must be drawn on actions to be taken to ensure effective protection of humanitarian assistance. Such conclusions must also be drawn concerning the responsibilities of the Security Council in this field.

My delegation looks forward to discussing the concrete proposals for further action presented here today by the delegation of the United States.

I now resume my functions as President of the Council.

The next speaker inscribed on my list is the representative of the Republic of Korea. I invite him to take a seat at the Council table and to make his statement.

Mr. Lee See-young (Republic of Korea): I would like to express my delegation's gratitude to you, Mr. President, for your initiative in organizing the Security Council's open debate today on the important and urgent issue of protection for humanitarian assistance. My thanks go also to the Deputy Secretary-General for her important introductory remarks.

As conflicts persist in the post-cold-war era, the plight of tens of millions of innocent civilians continues with an alarming intensity. In particular, children, women and other vulnerable groups are abused in many deplorable ways. Moreover, as we have all witnessed in recent months, an ever increasing number of those who volunteer to help innocent people in conflict situations find their lives threatened or sacrificed. It is indeed regrettable that their safety and security are constantly endangered by wanton attempts at abduction, detention and killing.

The Republic of Korea believes that the time has come for the international community to stand up and deal seriously with these challenges. It was for this reason that my Government, then occupying the presidency of the Security Council, took the initiative to organize the first open debate on this issue in May 1997. We are grateful to the Secretary-General and the Office of the United Nations High Commissioner for Refugees

(UNHCR) for taking the lead in preparing the follow-up report on this issue, as requested in the Security Council presidential statement of June 1997. We agree with the analysis pertaining to the sources of problems and strongly endorse the recommendations contained in the report.

Allow me to take this opportunity to highlight the following points. The first concerns the urgent need for the international community to translate the recommendations contained in the report into action. Indeed, a variety of sources of problems have been identified. Unfortunately, however, these sources have not been addressed adequately by the international community due to the lack of will and resources. Now is the time to take resolute steps to tackle them.

The Secretary-General's report contains a number of specific recommendations. We should all look into ways and means to implement them. Given the complex nature of the issue at hand, the international community should take a coordinated and comprehensive approach.

This leads to my second comment, on the role of the Security Council.

We welcome and support the presidential statement to be issued today at the end of this debate, which will express the Council's intention to have a serious follow-up to the Secretary-General's report. A number of areas suggested in the report are directly or indirectly related to the Council's mandate for the maintenance of international peace and security. Although humanitarian assistance and peacekeeping operations are distinct from each other, the fact remains that the Security Council's involvement is now indispensable for the protection of humanitarian assistance in conflicts.

We must not forget that the primary responsibility of the Council resides in promoting the political settlement of conflict situations. Political inaction on the part of the Council results in procrastination in the resolution of conflicts and thus the prolongation of civilian suffering. In such cases, humanitarian assistance cannot be a substitute for political action and therefore is not sustainable. Humanitarian activities should be backed by the political initiatives of the Council as well as its willingness to take the necessary security measures, including the deployment of peacekeeping forces.

When peacekeeping operations are deployed by the Council in support of humanitarian operations, the Council should strive to appropriately match their mandates to their resources. Clear rules of engagement are also required. The Council has learned useful and sometimes painful lessons from its past experiences in dealing with the situations in Somalia, the former Yugoslavia, Rwanda and the former Zaire. We hope that these lessons learned will help the Council in future deployments of peacekeeping forces.

We would like to invite the special attention of the Council to the need for the separation of armed combatants from bona fide refugees and displaced populations. Refugee-hosting countries are often unable or unwilling to maintain law and order in refugee camps. In such cases, the Council is strongly requested to ensure that appropriate measures are taken in a timely manner to prevent armed elements from turning refugee camps into military bases. Militias must also be stopped from using refugees as human shields.

The Council also possesses the useful leverage of arms embargoes. The proliferation of arms in areas of actual or potential conflict remains one of the most serious sources of insecurity for refugees and their protectors alike. The Council should explore imposing an arms embargo targeted against a region where cross-border movements of arms are frequent and rampant.

Serious consideration also needs to be given to better ensuring the effective implementation of arms embargoes by the Council. Once imposed, arms embargoes need to be monitored and enforced through a more effective mechanism. Failure to do so will not only aggravate civilian suffering, but also undermine the credibility of the Council's action.

My third point concerns the legal framework. The culture of impunity must be prevented from further spreading. Ensuring universal respect for international humanitarian norms is a necessary precondition for the restoration of a safe environment for the conduct of humanitarian work. In achieving this objective, the establishment of ad hoc International Tribunals for the former Yugoslavia and Rwanda was an important step forward. A milestone along the path in combating the culture of impunity was set by the recent adoption of the Statue of the International Criminal Court.

Further efforts must be made to strengthen law enforcement against the violators of international humanitarian norms at both the national and international levels. Specific measures should be taken to hold

transgressing parties and their leaders physically and financially liable to their victims under international law.

Another related issue is the scope of humanitarian personnel covered by the relevant United Nations Convention. Such a scope should be expanded to provide adequate legal protection to the local staff of humanitarian organizations.

Last but not the least, I would like to suggest that the Council expand its discourse with other relevant organs and agencies, in particular the General Assembly, on this issue. The Secretary-General's report before us today touches upon many areas which go beyond the mandate of the Council. My delegation is of the view that serious thought should be given to submitting the report to the General Assembly for consideration under a related agenda item.

The international community has to rise to the daunting challenge of providing adequate security to United Nations and humanitarian workers. The time for action has come. We welcome today's open debate as an opportunity to increase international awareness of this issue. We sincerely hope that all the views, suggestions and proposals presented today will be fully reflected, examined and agreed upon, if possible, in the Council's follow-up on this issue. We further hope that it will be done in close collaboration with other relevant United Nations organs and agencies, as well as with the United Nations membership as a whole.

I would like to conclude by reiterating that my Government stands ready to continue to make contributions in this regard.

The President: I thank the representative of the Republic of Korea for the kind words he addressed to me.

The next speaker is the representative of Austria. I invite him to take a seat at the Council table and to make his statement.

Mr. Sucharipa (Austria): Allow me first of all to congratulate you rather belatedly, Sir, on your exercise of your high office in September. It was good to see the presidency in such capable and experienced hands.

I have the honour to speak on behalf of the European Union. The Central and Eastern European countries associated with the European Union — Bulgaria, the Czech Republic, Estonia, Latvia, Lithuania, Poland, Romania and Slovakia — and the associated country Cyprus, as well as the European Free Trade Association countries members of the European Economic Area, Iceland and Liechtenstein, align themselves with this statement.

Let me also thank your delegation, Sir, for organizing this debate on an issue which, in the view of the European Union, is of greatest importance. Our thanks, of course, also go to the Deputy Secretary-General for her valuable introductory remarks.

Let me also express our appreciation to the Secretary-General and, of course, to Under-Secretary-General Vieira de Mello, for the report on protection for humanitarian assistance to refugees and others in conflict situations. The European Union highly values the clear and structured manner in which the report approaches one of the most complex issues the international community has to deal with today. We sincerely hope that this document will not only serve as an essential and most needed analytical tool, but also stimulate in-depth discussions and guide practical efforts.

In May last year, the question of the protection of humanitarian assistance was, for the first time, discussed in an open debate of the Security Council. We could quote numerous examples to illustrate that international humanitarian law and human rights continue to be gravely violated with impunity. Whether these violations occurred as a result of a combination of brutality and ignorance, or of systematic and organized action, is irrelevant as such: The victims are deprived of their human security. The report before us clearly points out that simplistic concepts that do not address the conflicts leading to and produced by massive displacement of civilian populations and humanitarian crises will fail. Humanitarian action has to be fully consistent with broader United Nations peace and development activities, and coordinated accordingly.

The compliance of States and non-State actors with the provisions of international law, and in particular humanitarian law, is an indispensable prerequisite for the effective protection of humanitarian assistance operations. A major problem in recent years has been the failure of States to bring to justice those responsible for violations. The adoption of the Statute of the International Criminal Court, which the European Union worked hard to achieve, is a significant step forward. In today's conflicts, where non-State actors play a growing role, ensuring the accountability of the individual under international law is of great importance. The jurisdiction of the International Criminal Court over individuals will

promote the greater accountability of State and non-State actors alike.

The Statute of the International Criminal Court also covers the security needs of United Nations and humanitarian personnel by providing that the act of intentionally directing attacks against personnel involved in humanitarian assistance or involved in peacekeeping missions in accordance with the Charter of the United Nations, as long as these missions are entitled to the protection given to civilians under the law of armed conflict constitutes a war crime. It thus brings these attacks under the Court's jurisdiction and ensures that those acts will be prosecuted.

The European Union, therefore, considers early entry into force of the Statute to be of paramount importance. The European Union encourages the countries which have not yet done so to sign the Statute and all States to ratify it. The General Assembly at its fifty-third session must take all necessary measures to ensure entry into operation of the International Criminal Court without undue delay.

On a more general level, States must become parties to and implement all other relevant instruments of international law and should intensify their efforts to disseminate the respective rules within their armed and security forces, as well as among the civilian population. Armed and security forces have to be trained in international humanitarian standards, and national legislation must give effect to rules which safeguard civilians and humanitarian workers and hold perpetrators accountable. As the majority of civilian victims of acts of violence in situations of armed conflict are women and children, the European Union reiterates that a gender perspective, as well as the important dimension of children in armed conflict, has to be taken more seriously into consideration. In the field of training and capacity-building, the United Nations, not least through its relevant programmes and bodies, and regional organizations and international humanitarian organizations have an essential role to play.

The European Union also believes that the recommendation made by the Secretary-General in his report on Africa (S/1998/318) with regard to holding combatants financially liable to their victims under international law, where civilians are made the deliberate target of aggression, is certainly worth exploring.

The European Union considers the right of safe and unimpeded access of international humanitarian organizations to refugees, displaced persons and vulnerable populations in conflict situations to be a fundamental principle. Faced with the tragic situations in Kosovo and elsewhere, we must emphasize this principle again and again. The European Union strongly condemns the arbitrary denial of these rights.

Furthermore, we strongly believe that State sovereignty cannot be used as an argument to deny humanitarian access. In this regard, the European Union wishes to reiterate that it would welcome the establishment of an international mechanism to assist host Governments, at their request, in maintaining the security and neutrality of refugee camps and settlements, as proposed by the Secretary General earlier this year. We welcome, of course, ongoing work on this topic within the Council.

The European Union deeply deplores the growing number of attacks against personnel of United Nations and humanitarian organizations. These attacks are often carried out by parties to armed conflicts in the context of a military strategy and in deliberate disregard of their responsibility to ensure the safety, security and freedom of movement of such personnel. In this context, the Union wants to draw particular attention to General Assembly resolution 52/167 on the safety and security of humanitarian personnel and calls for the full implementation of this resolution and the accession to the relevant legal instruments, in particular for early ratification of the Convention on the Safety of United Nations and Associated Personnel.

The European Union believes that States should cooperate more closely with each other in the field, with the United Nations and with other competent international institutions to prevent attacks against humanitarian workers, notably through a better exchange of information. In this context, the European Union draws attention to the proposals contained in the European Commission's working paper "Security of Relief Workers and Humanitarian Space", which can be provided on request.

We also think that humanitarian organizations should put even more emphasis than before on adequate training for their personnel, taking into account the importance of the principles of humanitarian law in humanitarian operations. We strongly encourage humanitarian agencies to enhance their security arrangements and make every effort to coordinate their activities so that the risks to which they might be exposed are reduced to a minimum.

The Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organizations in Disaster Relief should be duly taken into account.

States on whose territory attacks on humanitarian workers have taken place should initiate without any delay impartial and efficient inquiry procedures. The European Union considers it imperative that States ensure that any threat or act of violence committed against humanitarian workers on their territory is fully investigated and that those responsible for such acts are prosecuted, in accordance with international law and national legislation.

The European Union stresses that appropriate and realistic mandates, as well as adequate resources, must be provided for any operations authorized by the Security Council to provide for the safety of refugees, displaced persons and other civilians, as well as for the security of the United Nations personnel and other humanitarian organizations, and to ensure the unimpeded and safe delivery of humanitarian assistance.

As the world's largest humanitarian donor, the European Union expresses its sincere hope that today's discussions will lead to practical results and thus be an important step to put an end to the culture of impunity, which has left such ugly marks on the history of this century.

The President: I thank the representative of Austria for his kind words addressed to me and my delegation.

There are a number of speakers remaining on my list. In view of the lateness of the hour and with the concurrence of the members of the Council, I intend to suspend the meeting.

The meeting was suspended at 1.05 p.m. and resumed at 3.40 p.m.

The President: The next speaker is the representative of Argentina. I invite him to take a seat at the Council table and to make his statement.

Mr. Petrella (Argentina) (*interpretation from Spanish*): I should like first of all to congratulate the delegation of Slovenia on its dedicated and outstanding work while presiding over the Security Council during the month of August.

I should next like to thank you, Sir, for the initiative, taken under your presidency, to take up again the question of protection for humanitarian assistance to refugees and others in conflict situations, an issue that was raised by the Republic of Korea last year. Its relevance is undeniable. Since September 1997, over 30 civilians dedicated to humanitarian tasks in the field have died — one of the highest figures ever recorded in a 12-month period. We pay sincere tribute to these personnel from the United Nations, the International Committee of the Red Cross and other agencies.

There is a further reason to consider this issue: the competence conferred by the Charter on the Security Council gives it an indispensable role in such crises.

Provoking humanitarian crises has become an additional tool available to the parties to a conflict. Events in recent years have led us to conclude that the creation of a humanitarian emergency, with concomitant attacks against the personnel sent out to deal with it, often ends up benefiting the party that provoked it. In our opinion, that is the main factor to be taken into account in analysing the causes of such crises. We therefore understand that the action of the United Nations in general, and of the Council in particular, must be geared towards increasing the political and military cost to the parties to a conflict of violating the norms of humanitarian law, human rights or the rights of refugees. We also believe it necessary to emphasize that this problem did not originate in the conflicts of the past two decades. The countries that appear from time to time on the agenda of the Security Council are not the only ones responsible. Making civilian populations the target of military action is one of the scourges that have only been increasing since the beginning of this century.

As a first step, it is fundamental to ensure adherence to and compliance with the relevant international norms. Argentina is a party to both the Geneva Convention and its Additional Protocols, and we participated actively in drafting the 1994 Convention on the Safety of United Nations and Associated Personnel and, recently, in the negotiations to establish an International Criminal Court.

For several reasons the International Criminal Court represents unprecedented progress in efforts to improve the situation of personnel providing humanitarian assistance. Categorizing attacks against personnel participating in peacekeeping operations or humanitarian assistance missions as war crimes constitutes explicit recognition of the gravity of such acts. Furthermore, the

Convention not only defines these unlawful international acts, but provides for the means necessary to bring to trial and sentence those who commit them. Lastly, since the basis of the measure is the individual accountability of the people who commit the crimes, there is no advantage to non-State actors, whose accountability is not clearly defined in any other international instrument.

All the statements that we have heard, both today and in May last year, have emphasized that it is vital to bring to trial and sentence those responsible. The statement made on 24 September by the Foreign Ministers of the five permanent members of the Security Council is also important in this respect. As the International Criminal Court is the most appropriate means of dealing successfully with this type of crime, we are confident that its Statute will enter into force as soon as possible.

The excellent and forceful report submitted by the Secretary-General in response to the presidential statement (S/PRST/1997/34) of 19 June 1997, and introduced this morning by Ms. Fréchette, constitutes an excellent evaluation of United Nations action on this subject. We fully support both the diagnosis and the course of action proposed in that document, in particular with regard to the comments in paragraphs 51 to 53. We would like to add to those conclusions that, notwithstanding the Security Council's competence with regard to humanitarian crises, all the Members of the United Nations should be regularly and immediately informed about such situations. Ambassador Vieira de Mello has shown his great willingness in this respect, and we are profoundly grateful for that.

We hope that the Security Council will periodically continue to consider, in public, issues of general importance such as that before us today.

The President: I thank the representative of Argentina for the kind words he addressed to me.

The next speaker is the representative of Canada. I invite him to take a seat at the Council table and to make his statement.

Mr. Fowler (Canada) (*interpretation from French*): Thank you, Mr. President, for your invitation to participate in this important meeting on protection for humanitarian assistance to refugees and others in conflict situations. We would also like to thank the Secretary-General for his timely report on this item.

There can be no doubt that recent attention to the prevention of deadly conflict is justified. The greatest protection that can be offered to civilians, of course, is to avoid war and prevent violence. Yet no one sitting in this Chamber today needs to be reminded that dozens of violent conflicts persist. It is therefore fitting that the Security Council should continue to focus its attention on the provision of assistance for those suffering the ravages of war.

We must recognize at the outset that humanitarian assistance is designed to do no more than respond to the needs of the victims of war. Four years after the genocide in Rwanda, the principal lesson drawn from the international community's response to that nightmare continues to ring true: humanitarian action is no substitute for political action. Effective humanitarian action depends upon corresponding action from political entities, and in particular from the Security Council, to bring diplomatic and, where necessary, military pressure to bear both to protect civilians and to resolve the conflict in question.

Ensuring that the most vulnerable are afforded basic protection is one of the most difficult challenges we face. Because of this requirement for protection, military personnel increasingly are being called upon to respond to humanitarian crises. Canada has learned a number of lessons from integrated military-civilian peace support operations: a thorough understanding of the capabilities and roles of political, military, humanitarian and human rights partners is an important factor in any response to a complex emergency; any confusion among political, military and humanitarian mandates merely serves to impugn the impartiality of humanitarian organizations; an intervention force must have clear and realistic military objectives and must be equipped with the means necessary to achieve them; and efforts to disarm belligerent parties and to separate refugees from combatants are dangerous, and are bound to fail if an intervention force is not structured or equipped for such a mission.

(*spoke in English*)

Canada continues to support United Nations efforts to improve the United Nations system's ability to respond quickly to complex emergencies. The faster the United Nations can respond to a crisis, the greater the likelihood that the dramatic and disruptive consequences of such a crisis, including massive population flight, can be contained or avoided. The need for an improved rapid-

deployment capacity in the United Nations is manifest, and we urge that action be taken to establish this vital capability in the United Nations as soon as possible.

To further increase the capacity for effective response, it may be both timely and prudent to re-examine just how the various organs of the United Nations involved in peace support missions actually plan and conduct these operations. Canada believes it is essential to strengthen the working relationships among the Departments of Political Affairs and Peacekeeping Operations and the humanitarian agencies. Each must be fully integrated in the consultative and planning processes for complex emergencies. We must also expand and integrate the roles played by the High Commissioner for Human Rights and other United Nations agencies responsible for protecting human rights. We welcome the establishment of the working group of the Executive Committee on Peace and Security and the Executive Committee on Humanitarian Affairs to better define the relationship between special representatives of the Secretary-General and humanitarian coordinators, as well as those of the human rights and other components of United Nations missions.

The support that political organizations can extend to their humanitarian counterparts should not be narrowly conceived. As the Secretary-General indicates in his report, the Security Council should give consideration to developing a range of options to maintain law and order and to create a secure environment for civilians endangered by conflict, and for the delivery of humanitarian assistance in conflict situations. Allow me to enumerate a few of the approaches that Canada believes to be the most promising.

The Secretary-General's report emphasizes the importance of international humanitarian, human rights and refugee law in helping to protect individuals and to build durable peace. All States must respect basic humanitarian principles and comply with their international legal obligations. Disseminating the principles and provisions, and monitoring implementation and compliance, are essential steps in promoting their effectiveness. Take, for example, the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, which received its crucial fortieth ratification only two weeks ago. Our efforts must now turn towards ensuring universal ratification, towards monitoring compliance and towards disseminating the principles of the Convention.

Like the establishment of international tribunals to adjudicate violations of international humanitarian law in Rwanda and the former Yugoslavia, the recent agreement in Rome to establish the International Criminal Court is a major step towards eliminating a culture of impunity and improving protection for victims of conflict. By demonstrating our intent to hold individuals accountable for the atrocities they commit, the Court will help to deter some of the most serious violations of international humanitarian law and will give new meaning and global reach to the protection of refugees and other victims of conflicts.

Among those who need protection during conflict, none are more vulnerable than children. The targeting of children in warfare, both as fighters and as victims, is intolerable. The ground-breaking efforts of Graça Machel and the work of the Special Representative of the Secretary-General for Children and Armed Conflict, Olara Otunnu, merit special and ongoing support. Canada also applauds the increased attention the Security Council has focused on the practice of recruiting child combatants and the attention it has brought to the issue of the demobilization of child combatants.

As the report of the Secretary General on the protection of humanitarian assistance highlights, the routine physical danger encountered by humanitarian workers is a subject that demands immediate attention and vigorous action. Attacks on personnel who volunteer to work in highly insecure and unstable environments in order to bring succour to those in desperate need have increased dramatically. In an ominous development, civilian deaths now exceed those of the military among those who represent the United Nations in the field. Canada is profoundly concerned at the numerous attacks perpetrated against United Nations personnel and the staff of the International Committee of the Red Cross (ICRC) and other humanitarian organizations. The growing number of casualties among humanitarian workers demands that we give urgent attention to improving security measures for humanitarian personnel, including, of course local employees. If we are to continue to ask workers to operate in such dangerous environments, we owe it to them to ensure that practical measures, as outlined by the Secretary-General, are taken to provide for their protection.

At the same time, we must not fail to place the responsibility for the safety of humanitarian workers where it belongs first and foremost — with the parties to the conflict. State and non-State entities alike must be held accountable for the protection of United Nations and

other aid workers operating in territory under their control.

As the report before us indicates, as a result of the right of civilians to international protection and assistance, humanitarian access cannot be arbitrarily denied. Where humanitarian personnel have come under attack, no effort should be spared to ensure that those responsible are brought swiftly to justice. While the illegality of such attacks has never been in doubt, further clarification that they constitute a war crime under article 8 of the Statute of the International Criminal Court is welcome indeed.

Reversing the widespread availability of small arms is a further measure to be pursued in support of humanitarian assistance. The challenges arising from the proliferation and widespread abuse of small arms and light weapons are complex; but the impact on the security of the most vulnerable — as well as United Nations and humanitarian personnel — is clear, direct and devastating. Canada is therefore pursuing a three-pronged approach to this challenge, dealing with the illicit trade, the licit trade and the peace-building challenges of small arms proliferation.

The challenges before the international community in the face of ongoing humanitarian tragedies are indeed grave. There can be no doubt of the urgent need for sustained political engagement — not least from the Security Council — for effective responses to be implemented. Be assured that in this endeavour the Council will have Canada's unwavering support.

The President: The next speaker is the representative of Pakistan. I invite him to take a seat at the Council table and to make his statement.

Mr. Kamal (Pakistan): Mr. President, it is a pleasure for me to participate in this debate under your presidency and to render tribute to you for the exceptionally transparent manner in which Sweden is conducting the affairs of the Security Council during this month.

Through you, we would also like to salute your predecessor, Ambassador Danilo Türk of Slovenia, for the manner in which he guided the affairs of the Council during the preceding month.

Allow me, Sir, to express our gratitude to you for arranging today's meeting to consider the report of the Secretary-General on protection for humanitarian assistance to refugees and others in conflict situations. We must also thank the Secretary-General for his comprehensive reports on various aspects of the causes of conflict in Africa, as well as for his recommendations for the promotion of durable peace and sustainable development in the region. These reports have generated enormous interest among the Member States and encouraged them to address the issues involved with a sense of due urgency.

In his latest report, the Secretary-General has aptly identified the obstacles in the way of effective humanitarian operations in various parts of the world. Refugees, displaced persons, other victims of conflicts, and humanitarian personnel are subjected to cruel treatment both in conflict areas and in post-conflict situations. They face adversities, despite the existence of a substantial body of international law and principles evolved over a long period of time to protect civilians, refugees and humanitarian personnel.

The 1949 Geneva Conventions and the Additional Protocols of 1977 are well established norms of international humanitarian law for the protection of civilians and other persons who are not party to any hostilities. Similarly, the 1951 Convention and the 1967 Protocol relating to the Status of Refugees are the principal international instruments concerning the protection of refugees. We have a collective responsibility in ensuring effective adherence to these legal codes by the Members of the United Nations.

We share the view of the Secretary-General that there is a perennial problem of effective compliance by Member States with the relevant norms, principles and provisions of international law in conflict situations. These codes are particularly violated in situations of internal conflict where whole societies are mobilized for war, including armed groups, militias, foreign mercenaries, child soldiers, criminals and other desperate groups. There should be concerted efforts to create awareness about the responsibilities of State authorities for violations of humanitarian norms.

In this connection, we welcome the establishment of the International Criminal Court, having jurisdiction over genocide, crimes against humanity, war crimes and the crime of aggression. Pakistan actively participated in the deliberations of the United Nations Diplomatic Conference in Rome.

It is our firm conviction that refugees, displaced persons and other victims of conflict should be provided protection and assistance under international law. In fulfilling its moral obligations under international law, Pakistan continues to host close to 1.5 million Afghan

refugees. Despite the adverse impact of such a large number of refugees on our political, social and economic systems, we will continue to provide shelter to these Afghan refugees. Unfortunately, there has been a continuing reduction in the assistance provided by the international community for the Afghan refugees in Pakistan. They seem to have been totally abandoned by the international community.

Conflict situations also persist in other parts of our region, resulting in similar problems of displaced persons, civilian victims and gross human rights violations.

The Secretary-General has rightly pointed out the problem of humanitarian access in conflict areas. There is a need for an in- depth study aimed at ascertaining the reasons for the growing resistance in some societies to unhindered access to humanitarian organizations. We also agree with the assertion of the Secretary- General that the

> "issue of resources is of critical importance not only for the purpose of ensuring access but also for the provision of humanitarian assistance itself. Humanitarian access must be supported by sufficient funds" *(S/1998/883, para. 21)*.

In recent years, a number of humanitarian operations have been undertaken by the United Nations in conflict areas through the establishment of safety zones, safe areas, neutralized zones, demilitarized zones and safe corridors. While these efforts were generally welcomed by the international community, the double standard in enforcing humanitarian access in different parts of the world has become the subject of criticism by Member States and humanitarian agencies alike. We believe that there should be uniform humanitarian treatment for all, irrespective of cast, colour or region.

It is a matter of grave concern that between January 1992 and August 1998, 153 United Nations international and local staff members lost their lives in the line of duty. We render our condolences to their bereaved families. This issue needs to be addressed on a priority basis. Some of the reasons for such occurrences have been identified in the report of the Secretary- General, the most important reason being

> "A general mistrust and suspicion regarding the motives and intentions of humanitarian organizations" *(*ibid., *para. 27)*

We need to study in greater detail the reasons for suspicion and mistrust, and suggest effective measures to curtail these negative tendencies.

While we believe that the General Assembly has primary responsibility for providing policy guidance for the United Nations humanitarian operations, the Security Council must also continue to play its due role in the complex dynamics of conflicts in various parts of the world. However, care needs to be taken so that discrimination is avoided and selectivity is minimized.

In conclusion, I should like to reaffirm our support for and cooperation with for the Secretary-General in his efforts to identify the causes of conflict and for the promotion of durable peace in Africa and in other parts of the world.

The President: I thank the representative of Pakistan for the kind words he addressed to me and to my delegation.

The next speaker is the representative of Indonesia. I invite him to take a seat at the Council table and to make his statement.

Mr. Pohan (Indonesia): I should like to begin by extending the Indonesian delegation's appreciation to the Secretary-General for submitting his report on protection for humanitarian assistance to refugees and others in conflict situations, and to you, Mr. President, for convening the meeting today on this issue.

In our view, this is an issue of critical importance to the international community, particularly in this post-cold-war era when refugees, peacekeepers and humanitarian assistance personnel in conflict situations sometimes risk their security and even their life. Indonesia has noted various aspects of the report, especially those relating to the protection of personnel, which warrant our serious consideration. The report also defines the role of the international community in preventing the risk of humanitarian catastrophe due either to economic difficulties or to a shortage of basic humanitarian necessities.

Indonesia has in the past not only supported concerted international efforts in alleviating the misery of people caught up in conflicts but also has contributed to numerous peacekeeping operations and related activities. In this context, the United Nations, in the interests of objectivity and impartiality, should play a greater role as

the coordinator of humanitarian assistance and should base its activities on the guiding principles contained in General Assembly resolution 46/182. It is our view that many of the issues included in the Security Council's agenda have a humanitarian dimension, where refugees and other displaced persons are the victims of conflicts and the environment is always more hostile when they are denied humanitarian assistance and protection.

Refugees, displaced persons and other civilians in conflict situations have a fundamental right under international humanitarian law to humanitarian assistance. Therefore, it is a daunting yet sacred task for humanitarian workers and their agencies to ensure the safe delivery of humanitarian assistance. As is stated in paragraph 2 of the annex to General Assembly resolution 46/182,

> "Humanitarian assistance must be provided in accordance with the principles of humanity, neutrality and impartiality".

In our perception, humanity implies humanitarian action to relieve suffering and to introduce fundamental values — namely, life and human dignity — while neutrality implies a refusal to take sides in hostilities, and impartiality implies providing individuals with their basic needs, irrespective of their affiliation with any group or factions.

Hence, a prerequisite for effective humanitarian action is respect for these principles and the imperative of alleviating human suffering by mitigating the effects of conflict. Failure to uphold such principles will put human lives, including those of humanitarian workers, in jeopardy. In the same vein, the use of humanitarian assistance could also be a tool for the parties concerned to achieve political objectives. For us, the political objective should be to defuse the conflict while maintaining the impartiality of humanitarian actions. In order to remain effective and preserve their independence and neutrality, humanitarian actions should be kept distinct from political or military activities.

My delegation views the relationship and cooperation between peacekeeping and humanitarian operations as complex. They are also undoubtedly complementary. However, as clearly expressed by the heads of State or Government of the Non-Aligned Countries at their recent meeting in Durban, South Africa, it is essential to make a distinction between humanitarian action and United Nations peacekeeping and peace enforcement, which is a view also shared by numerous humanitarian agencies.

In situations where decisions would be taken by the Security Council to deploy humanitarian operations, the Council should consider measures for the protection of humanitarian workers and also take steps to ensure the impartiality of humanitarian agencies.

We would like also to stress that while humanitarian assistance is being extended, concerns for the respect of a country's national laws should be taken into account. Paragraph 16 of the report refers to the fact that States deny access and defend such actions by invoking the principle of national sovereignty in matters deemed essentially within their domestic jurisdiction. We believe that it is essential to recognize the sacrosanct principles of independence and territorial integrity, which do not absolve States from fulfilling their responsibilities to refugees and others in conflict situations.

Nonetheless, the international community should ensure that victims receive the assistance and protection they need to safeguard their lives. Humanitarian personnel should respect the national laws of those countries in which they are operating in order to allow them to perform efficiently their task of assisting the affected civilian population, including refugees and internally displaced persons.

The Indonesian delegation would like once again to convey its appreciation for the Secretary-General's report and pledges its cooperation to achieve the objectives contained therein and to ensure the smooth and effective delivery of humanitarian assistance and the safety of personnel.

The President: The next speaker inscribed on my list is the representative of Norway. I invite him to take a seat at the Council table and to make his statement.

Mr. Kolby (Norway): It is an honour for me to address the Council during the Swedish presidency.

On behalf of Norway, I would like express appreciation for the Secretary-General's report on protection for humanitarian assistance to refugees and others in conflict situations.

We would like to support the European Union statement, with which we fully agree. In addition, I would like to emphasize some points that we believe are of particular importance.

First, the necessity of ensuring consistency and coordination between humanitarian action and broader United Nations peace and development activities should be stressed. The contribution of targeted and efficient assistance to people in distress is an important objective of Norway's humanitarian policy. Providing protection and assistance to refugees and internally displaced persons often means operating in areas of conflict. Humanitarian assistance should therefore always be part of a broader international effort aimed at seeking political solutions and the peaceful settlement of conflicts. In order to ensure a cohesive response, the possible role of humanitarian assistance in contributing to such broader goals should therefore be analysed.

Secondly, to improve the current situation, it is important that those responsible for violations of international law, including international humanitarian law, be brought to justice. The International Criminal Court should fulfil its potential by ensuring better accountability of States, non-State actors and individuals. All Member States are encouraged to sign and ratify the Statute of the International Criminal Court and other relevant international instruments.

Thirdly, problems that have a negative impact on the security situation of humanitarian workers could be addressed in the context of a humanitarian strategy that includes preventive measures. Such measures might be based on international humanitarian law and could include training for democracy and human rights.

Finally, firm measures must be taken against parties that deliberately attack civilian staff members of the United Nations and the personnel of humanitarian organizations. In this context, I would like to mention that my Government, in order to support training and enhanced security management, has contributed $100,000 to the recently established United Nations Trust Fund for the security of United Nations personnel, referred to in paragraph 50 of the Secretary-General's report. We encourage other Member States to also provide resources to this fund.

The President: The next speaker inscribed on my list is Mr. Stephen Lewis, Deputy Executive Director of the United Nations Children's Fund, to whom the Council has extended an invitation under rule 39 of its provisional rules of procedure. I invite him to take a seat at the Council table and to make his statement.

Mr. Lewis (United Nations Children's Fund): Thank you immensely, Mr. President, for giving the United Nations Children's Fund (UNICEF) this opportunity.

The combination of the Secretary-General's excellent report that informs today's debate, the strong and thoughtful statement of the Deputy Secretary-General that introduced it, the previous debate in May 1997, and the presidential statement following that debate last June specifically devoted to "Children and armed conflict" serve to give focus to the inseparable twin themes of protection for humanitarian assistance on the one hand and protection of children in war on the other. UNICEF appreciates the significance that this represents when seen in the context of the influence of the Security Council on the affairs of nation States.

It is not our intention to reconnoitre every subject. We participated in those previous debates, or we helped to inform their content. The speeches and views are on record. We have listened carefully today and find ourselves again in agreement with the great part of what has been said. In particular, we strongly associate ourselves with the visceral horror that everyone feels at the pattern of targeting and slaughtering civilian populations at will — populations, as the Deputy Secretary-General noted, made up overwhelmingly of children and women. There is no question about it — we live in an age of madness, where flesh-and-blood human beings in many conflicts are given no more value than inanimate objects that are trampled and dismembered.

Against this background, we note the desperate vulnerability — compounded time and time again — of refugee populations and the internally displaced. We reiterate again that children must be a distinct and priority concern in all actions to promote peace, implement peace agreements and resolve conflicts; that every peace agreement must include specific reference to the demobilization and reintegration of child soldiers; that children's rights and special needs, of every kind, must be specifically and systematically included in the mandates authorizing such actions; that we must dramatically reduce the availability of small arms and light weapons which serve to transform children into junior militarists; and that we must train all personnel — civilian, military and peacekeeping — on their legal responsibilities to children, particularly to protect them from egregious violations of their rights — and, in that way, incidentally, contribute to the development of national capacity. Above all, we must challenge the

obscenity of impunity through the use of the International Criminal Court.

We have said all that before, and more, especially in the context of the Graça Machel study. Today there are three matters that we would particularly like to emphasize before the Council, all of them flowing from comments within the Secretary-General's report and, of course, within the particular mandate of UNICEF.

First, there is the matter of child soldiers. UNICEF could not help but note that in the presidential statement of 29 June last, as in the report before us, there is no specific reference to the age of recruitment. There is a strong denunciation of the recruitment and use of children in hostilities in violation of international law, but no reference to age. UNICEF understands the sensitivities within the Council, and it is not our intention to aggravate them. But we feel morally obliged to say that until the age of 18 is universally embraced as the minimum age of recruitment, whether by way of adoption of the optional protocol or the amendment of the Convention on the Rights of the Child, there will continue to be, in one sordid conflict after another, the reckless abuse of children as child soldiers.

We recoil with horror at the idea of 10-, 11- and 12-year-olds employed as fighters, porters, cooks, messengers and sex slaves in regular and irregular armies. But we put it to the Council that in terms of the effective damage — some would say destruction — of a child's present and future life, 15-, 16- and 17-year-olds are equally vulnerable. We see the toll that is taken and try to deal with it on the ground, every day, whether in Sierra Leone or, more recently, in the Democratic Republic of the Congo. Children engaged in hostilities as soldiers are deprived of every single right granted under the Convention on the Rights of the Child. UNICEF would argue that only when we have an international agreement on the age of 18 will we be able to say that we have put the protection of the lives and psyches and futures of children ahead of other considerations. When the international community equivocates over the age of recruitment, it sends a sadly ambiguous message to the military predators who haunt the zones of conflict looking for children to abduct, to seduce or to conscript.

Secondly, there is the matter of the safety and security of humanitarian personnel. Many individuals and agencies and nation States have spoken feelingly and eloquently of the dangers to humanitarian personnel working in the field. The Secretary-General's report provides statistics. Please allow me to put information specifically from UNICEF on the record.

In the past four years, 14 of our staff members have died in conflict situations, and in the past two years alone, 25 others have been seriously injured, mostly by gunshot. We have also dealt with the nightmare of rape. Indeed, following the rape of a staff member in Goma on 12 May 1997, UNICEF made sure that every single office would have access to post-exposure treatment for the HIV/AIDS virus within 24 hours. If taken immediately after exposure, this cocktail of medication significantly reduces the risk of transmission. This approach is now being pursued system-wide throughout the United Nations.

May I add that we are also pioneering the development of an incident-tracking system that will be made available to Member States and our colleagues throughout the United Nations, and we have now distributed Security Awareness Training programmes to over 200 duty stations. I suspect that most of the United Nations system is aware of our preoccupation with security imperatives and our equivalent preoccupation with the need for resources to address them. That is why the Secretary-General's plea for resources is no idle addendum: it speaks to the heart of the matter.

Thirdly and finally, there is the matter of respect for international human rights and humanitarian law. This is obviously the crux of this debate. Whether we are dealing with refugee populations or the internally displaced; whether we are dealing with peacekeepers or humanitarian workers; whether we are dealing with bona fide Governments or opposition groups or rogue militias — everything hinges on the sanctity and observance of international human rights and humanitarian law.

Having said that, I would like to engage in a piece of UNICEF dialectic. When the Convention on the Rights of the Child was drafted, one of its most celebrated aspects was the principle of indivisibility — that is, all rights are equal: political, civil, economic, social and cultural. Equal. It was a triumph of consensus. It then became a manifestation of consensus when 191 countries ratified the Convention and embraced its contents as binding international law.

However, what is not always recognized about the Convention on the Rights of the Child is another variant of the principle of indivisibility: the Convention on the

Rights of the Child is the only international human rights instrument which explicitly incorporates international humanitarian law. The two are as one within the articles of the Convention. What that means, of course, is that instead of for ever trying to find a way of meshing human rights law and humanitarian law, we have an existing international covenant which does it for us, and were that to be recognized and employed for children in conflict situations, we would have the concrete expression of a goal which the Security Council espouses.

Do we exaggerate? I think not. Let me take a moment to remind the Council of article 38, paragraph 1, of the Convention on the Rights of the Child:

> "States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child."

This is further underscored by paragraph 4, which invokes international humanitarian law to ensure the protection and care of children who are affected by armed conflict.

Could it be more clear? Here we have a human rights Convention giving the imprimatur of primacy — and legitimacy — to international humanitarian law in conflict situations. It represents the very core of this whole debate.

I am not going to be a chauvinist for the Convention. It stands on its own. But it must not be depreciated simply because it deals with children. There is always the tendency to marginalize children in international debate. In this instance, that would be folly because the Convention gives exact expression to everything the Security Council wants to achieve.

As I close, I must emphasize again how extraordinarily valuable it is to have the Security Council initiate these deliberations and permit our participation. Every debate takes us another step forward. UNICEF is on the ground before conflict, during conflict and after conflict. Like our colleagues in the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross, we wrestle with these issues every hour of the day. We are inescapably involved, whether with child refugees or internally displaced children or any children made vulnerable by war. As it happens, as we speak, Carol Bellamy, our Executive Director, is on her way to Sierra Leone. It never ends. But along the way, all of these pressing and critical issues arise, and they must be dealt with.

The President: The next speaker inscribed on my list is Mrs. Sylvie Junod, head of the delegation of the International Committee of the Red Cross to the United Nations, to whom the Council has extended an invitation under rule 39 of its provisional rules of procedure. I invite her to take a seat at the Council table and to make her statement.

Mrs. Junod (International Committee of the Red Cross): We would like to thank you, Mr. President, and the other members of the Council for the opportunity to take part in this important debate.

Taking action to help the victims of conflict has always involved a degree of risk. What is new and particularly alarming about the tragedies of recent years is the ever more violent and volatile environments in which refugees, displaced persons and other victims of conflicts find themselves, and in which humanitarian organizations are expected to operate. It is in these new environments that humanitarian workers are being deliberately targeted and killed. As the Secretary-General points out in his report, it is in this context that the urgency and importance of addressing today's topic should be seen.

There are a number of reasons why the security problem has become more acute over the past few years. Many of them have already been mentioned by other speakers. We would like, however, to outline, without being exhaustive, some factors contributing to the worsening of the situation.

Economic interests, as well as criminal elements engaged in drug- and weapons-trafficking, are often involved. Organized crime and banditry play an important role in many of today's conflicts. Bandits and many armed groups covet the often considerable and highly visible material deployed by humanitarian organizations. They also know that most of the time these items are not protected in any way and that no action will likely be taken if they are stolen. Humanitarian organizations are simply considered easy targets. The abduction of expatriates for money is a new and growing dimension of banditry. The International Committee of the Red Cross (ICRC) would like to express its solidarity with organizations that have been so targeted, in particular those whose staff have been taken hostage or killed.

Another reason is that humanitarian action is being increasingly politicized. Humanitarian action conceals the fact that Governments are unwilling to take the risks involved in addressing the root causes of conflict. However, humanitarian action can be no substitute for political settlements.

A further problem is that civilians continue to be the main target of armed hostilities — indeed, they are increasingly becoming an integral part of political and military strategies. As a result, the main challenges today are the protection and upholding of the rights of a civilian population, rather than merely material assistance, and the promotion of a new culture of accountability to replace that of impunity. When the aim of parties to a conflict is to annihilate an ethnic group or permanently remove it from a given territory, humanitarian workers can become embarrassing witnesses, and humanitarian action as such might be perceived as running counter to the objectives of warring parties.

Yet another factor is that in certain parts of the world humanitarian action is associated with "the West" and is perceived as a vehicle for the spread of "Western values". This misconception means that international humanitarian work in such places is accepted only with great reluctance, if not completely opposed.

Confronted with these new challenges, humanitarian action needs to adapt, and organizations need to work together. With this in mind, the ICRC is firmly committed to pursuing the following practical steps.

First, we must work more through local contacts and networks. The ICRC has multiplied its efforts to enhance the acceptance of its work not only by the people it seeks to assist, but also by the warring parties and local authorities.

Secondly, we must strengthen the ICRC's ability to understand today's new conflicts by analysing political, social and economic aspects, in order to better adapt its operations.

Thirdly, we need to strive to develop a more coherent approach to the various authorities in the field. Humanitarian organizations are finding it more and more difficult to gain access to the victims. Differences in ethics and failure to respect certain principles can be hazardous to the safety of humanitarian personnel. A common approach by humanitarian organizations is necessary, and the promotion of the Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organizations in Disaster Relief should be pursued.

Fourthly, we must seek a more balanced relationship between humanitarian organizations and the media, whose growing influence has made public advocacy common practice. While a degree of publicity is necessary for any organization, there have been too many exaggerated attempts to be in the picture at any cost, regardless of the risks involved.

It should be emphasized that faithful implementation of the Geneva Conventions and their Additional Protocols, as well as of refugee law and the various human rights instruments, first and foremost aims at increasing respect for the civilian population, including refugees and the internally displaced.

In our view, a fundamental condition for any humanitarian operation involving humanitarian assistance or protection is the consent of the warring parties. Such action should never be imposed by force. Rather, it must be transparent in its objectives and impartial in its implementation. Discussion and persuasion should be used to negotiate access for humanitarian action, in full accordance with the basic principles of neutrality and impartiality. If one's work is accepted, one faces less risk.

It may be recalled that, during last year's debate on this topic, the ICRC expressed the opinion that humanitarian organizations need to preserve the strictly non-political and impartial character of their work, the perception of which could be jeopardized by the presence of armed escorts. While ICRC delegations have hired armed guards for its premises and staff residences against criminal acts, it does not intend their use as protection for humanitarian activities in the field or to have military personnel or armed escorts in conflict areas. I know that this is a well-known position, but it is maintained by my organization. Humanitarian work must be clearly dissociated from any military operations aimed at ensuring security and restoring law and order in regions plagued by violence.

In every situation, clarity regarding the sharing of tasks between the various actors remains one of the best guarantees for effective security and, in essence, the ICRC feels that the following measures should be respected.

First, humanitarian action must not become the main instrument of foreign policy. Political entities should focus on finding political settlement to a conflict. Secondly, any international military presence, such as a peacekeeping force, should have a clear and appropriate mandate and not simply become a supplier of humanitarian assistance. That can easily lead to confusion and a distorted perception of humanitarian work. Thirdly, the primary responsibility for the implementation of international norms lies with the States. The ICRC and other agencies, such as the United Nations Children's Fund, can only assist in this endeavour.

Finally, we would like to emphasize once more that combating impunity is the key factor in the prevention of future violations.

The President: The next speaker is Mr. Kofi Asomani, Director of the Liaison Office of the Office of the United Nations High Commissioner for Refugees at United Nations Headquarters, to whom the Council has extended an invitation under rule 39 of its provisional rules of procedure. I invite him to take a seat at the Council table and to make his statement.

Mr. Asomani (Office of the United Nations High Commissioner for Refugees): I wish to thank you, Sir, for this opportunity to address the Security Council on the report of the Secretary-General on protection for humanitarian assistance to refugees and others in conflict situations.

I should also like to thank all those who have made generous remarks about the work of the Office of the High Commissioner.

The report under consideration is of great importance to the whole humanitarian community and to the Office of the United Nations High Commissioner for Refugees (UNHCR), and we are deeply appreciative that the Council is once again devoting the necessary attention to these issues. I must say here that the report might not have seen the light of day without contributions from several United Nations sister organizations, agencies and departments, as well as the keen advice and support of a number of delegations in the Council, including, Mr. President, your own.

In her introduction this morning, the Deputy Secretary-General very competently placed the report of the Secretary-General in the right context. Many delegations have elaborated on key elements of the report. Allow me, however, to share UNHCR's perspectives on aspects of the report.

First, there is a need to strengthen compliance by both State and non-State actors within the provisions of international law. This problem of compliance has dramatically worsened in recent years because of the changing pattern of conflicts. Forced displacement of civilian populations is now often a direct objective, rather than a by-product of war. Many conflict situations have been rendered particularly complex and violent because of the involvement of militias, criminals and other disparate groups that may have little knowledge of or respect for the rules of international law. A further problem has been the failure to bring to justice those who violate the law, resulting in the development of what are now characterized as "cultures of impunity". This has been particularly evident in the Great Lakes region of Africa, and more recently in Kosovo.

To reverse these trends, UNHCR strongly supports the Secretary-General's recommendations regarding the vigorous promotion of accession to international legal instruments, the dissemination and advocacy of humanitarian principles, and more effective mechanisms to ensure compliance with international law. Effective compliance is also linked, in our view, to the important concepts of burden-sharing and solidarity, which have been stressed by other speakers. In this connection, I am pleased to mention that this theme — the theme of solidarity and burden-sharing — will be at the centre of the debate of the governing council of UNHCR — the Executive Committee — which will start meeting next Monday in Geneva.

Secondly, there is the issue of humanitarian access, which has been increasingly hampered in recent years by various factors, including general insecurity arising from conflict, the inability or unwillingness of parties to allow access and, finally, obstruction of access, often through armed attacks. The Secretary-General's report rightly reaffirms that States have primary responsibility for ensuring that refugees, internally displaced persons and other civilians in conflict situations benefit from the necessary assistance and protection and that United Nations and other humanitarian organizations must have safe and unimpeded access to these groups. Furthermore, these groups do have a right to humanitarian assistance and protection, and therefore humanitarian access should not be seen as a concession to be granted to humanitarian organizations on an arbitrary basis.

Predictable mechanisms should be developed to ensure security and access for humanitarian operations. Already, a number of measures are under consideration in connection with the Secretary-General's Africa report recommendations. In particular, efforts should be made to ensure that refugee camps are located at a reasonable distance from international borders, that armed combatants are separated from refugees and other civilians, and that trade in arms to conflict areas is adequately monitored and regulated. I am pleased to inform the Council, in connection with ongoing measures being developed, that the Department of Peacekeeping Operations and UNHCR are collaborating in preparing and elaborating a matrix that presents the range of options which may be deployed in different security situations where there are refugees and internally displaced persons.

Thirdly, I wish to highlight concerns that relate to the safety and security of the personnel of the United Nations and other humanitarian organizations. As the Deputy Secretary-General has pointed out, there has been a disturbing increase in recent years in the number and scale of direct, calculated attacks or use of force against humanitarian personnel.

Actors in conflict situations disrupt humanitarian actions which they consider as undermining their own strategic goals. Regrettably, there is even a desire to remove actual or potential witnesses to human rights abuses and other violations of international law by creating an environment in which it is not safe for them to operate.

The existing instruments of international law, as many speakers before me have said, do not effectively cover the security needs of United Nations and other humanitarian personnel. The Secretary-General's report outlines a number of measures required to reinforce the safety of humanitarian personnel, and UNHCR fully supports them. In particular, UNHCR welcomes the provisions of the Statute of the International Criminal Court whereby attacks against both United Nations and other humanitarian personnel now constitute war crimes and fall within the jurisdiction of the Court.

As the Ambassador of France noted this morning, I would, in the same vein, like to take advantage of this occasion to remind the Council about the plight of our French colleague, Mr. Vincent Cochetel, who was abducted in North Ossetia 243 days ago. We still hope he will be found and will be released soon.

Fourthly, I wish to highlight the role of the Security Council in humanitarian operations. In the open debate, held on 24 April 1998, on the report of the Secretary-General on the situation in Africa, the High Commissioner for Refugees, Mrs. Sadako Ogata, strongly stressed how humanitarian crises, particularly large-scale refugee situations, often affect international peace and security, for which the Security Council has primary responsibility. It is therefore essential that the Security Council be kept regularly informed of the humanitarian situation in cases of potential or actual conflict, to ensure that humanitarian activities are not viewed in isolation from the overall social, political and economic context. Such actions may also ensure that timely and appropriate action is taken.

UNHCR therefore warmly welcomes the growing commitment of the Council to these issues, and it is our fervent hope that it will be accompanied by concrete follow-up measures.

One final concern remains to be highlighted: the need for adequate resources to implement these protective measures. This need fuels a tension which we, as operational agencies, must confront on a daily basis in several humanitarian operations. A very current example is the case of Guinea (Conakry), where all the humanitarian actors are convinced of the need to establish Sierra Leonean refugee camps at a reasonable distance from the border, in accordance with the recommendations contained in the Secretary-General's report. This measure is required in order to lessen the dangers of infiltration of undesirable armed elements into the refugee settlements. However, we continue to ponder whether the costs involved are too high, and in the meantime the security situation continues to deteriorate.

I would like to end on this somewhat grim note regarding the tensions that we have to live with between resources and needs relating to the protection for humanitarian assistance.

The President: There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 4.55 p.m.